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NEW DELHI, SATURDAY, DECEMBER 7, 1996/AGRAHAYANA 16, 1918

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

## भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिवृत्तराएँ  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(other than the Ministry of Defence)

विधि और न्याय मंत्रालय

(विधि कार्य विभाग)

(न्यायिक अनुभाग)

सूचना

नई दिल्ली, 20 नवम्बर, 1996

का. आ. 3353 नोटरीज नियम, 1956 के नियम 6 के  
अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती  
है कि श्री माधो राम, एडवोकेट ने उक्त प्राधिकारी को उक्त  
नियम के नियम 4 के अधीन एक आवेदन इस बात के  
लिए दिया है कि उसे फतेहाबाद, हिसार जिला (हरियाणा)  
में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी  
भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन  
के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5(207)/96-न्यायिक]

एन. सी. जैन, सक्षम प्राधिकारी एवं  
अपर विधि सलाहकार

MINISTRY OF LAW AND JUSTICE

(Department of Legal Affairs)

(Judicial Section)

NOTICE

New Delhi, the 20th November, 1996

S.O. 3353.—Notice is hereby given by the Com-  
petent Authority in pursuance of Rule 6 of the  
Notaries Act, 1956 that application has been  
made to the said Authority, under Rule 4 of the  
said Rules, by Sh. Madho Ram, Advocate for  
appointment as a Notary to practise in Fatehabad,  
Distt. Hissar (Haryana).

2. Any objection to the appointment of the said  
person as a Notary may be submitted in writing  
to the undersigned within fourteen days of the  
publication of this notice.

[No. F. 5(207)/96-Judl.]

N. C. JAIN, Competent Authority  
and Additional Legal Adviser

## सूचना

नई दिल्ली, 20 नवम्बर, 1996

का. आ. 3354.—नोटरी नियम, 1956 के नियम 6 के अनुसरण में समक्ष प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री जगवीर सिंह, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे फरीदाबाद (हरियाणा) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5(208)/96-न्यायिक]

एन. सी. जैन, सक्षम प्राधिकारी एवं  
अपर विधि सलाहकार

## NOTICE

New Delhi, the 20th November, 1996

S.O. 3354.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority under Rule 4 of the said Rules, by Sh. Jagbir Singh, Advocate for appointment as a Notary to practise in Faridabad (Haryana).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(208)/96-Judl.]

N. C. JAIN, Competent Authority  
and Additional Legal Adviser

## सूचना

नई दिल्ली, 20 नवम्बर 1996

का. आ. 3355.—नोटरी नियम, 1956 के नियम 6 के अनुसरण में समक्ष प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री दर्पना अग्रवाल, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे मधुवन (पूर्वी दिल्ली) राष्ट्रीय राजधानी दिल्ली में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप हम सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5(209)/96-न्यायिक]

एन. सी. जैन, सक्षम प्राधिकारी एवं  
अपर विधि सलाहकार

## NOTICE

New Delhi, the 20th November, 1996

S.O. 3355.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority under Rule 4 of the said Rules, by Ms. Harsh Lata Aggarwal, Advocate for appointment, as a Notary to practise in Madhuvan East Delhi, N.C.T. of Delhi.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(209)/96-Judl.]

N. C. JAIN, Competent Authority  
and Additional Legal Adviser

## सूचना

नई दिल्ली, 20 नवम्बर, 1996

का. आ. 3356.—नोटरी नियम, 1956 के नियम 6 के अनुसरण में समक्ष प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री नारायण राव शंकर, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे सोमेश्वर पुरम, तुमकुर (कर्नाटक) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5/(210)/96-न्यायिक]

एन. सी. जैन, सक्षम प्राधिकारी एवं अपर विधि  
सलाहकार

## NOTICE

New Delhi, the 20th November, 1996

S.O. 3356.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority under Rule 4 of the said Rules, by Sh. Narayan Rao Shankar, Advocate for appointment as a Notary to practise in Someshwar Puram, Tumkur (Karnataka).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(210)/96-Judl.]

N. C. JAIN, Competent Authority  
and Additional Legal Adviser

## सूचना

नई दिल्ली, 20 नवम्बर, 1996

का. आ. 3357—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में समक्ष प्राधिकारी द्वारा यह सूचना दी जाती है कि सुश्री ज्योत्सना अग्रवाल, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवदन इस बात के लिए दिया है कि उसे सिलिगुड़ी, दार्जिलिंग जिला (पश्चिम बंगाल) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए,।

[सं. 5(211)/96-न्यायिक]

एन. सी. जैन, समक्ष प्राधिकारी एवं अपर विधि सलाहकार

## NOTICE

New Delhi, the 20th November, 1996

S.O. 3357.—Notice is here given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Mr. Jyotsna Aggarwal, Advocate for appointment as a Notary to practise in Darjeeling Distt. (West Bengal).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(211)/96-Judl.]

N. C. JAIN, Competent Authority  
and Addl. Legal Adviser

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 18 सितम्बर, 1996

(आयकर)

का.आ. 3358.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "शिर्डी का श्री साईबाबा संस्थान, शिर्डी, महाराष्ट्र" को कर-निर्धारण वर्ष 1996-97 से 1998-99 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्वयतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्षों वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के सम्बन्ध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ

तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के सम्बन्ध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों।

[अधिसूचना सं० 10196/फा० सं० 197/118/96-आयकर  
नि०-1]

एच० के० चौधरी, अवर सचिव

## MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 18th September, 1996

## (INCOME TAX)

S.O. 3358.—In exercise of the powers conferred by sub-clause (v) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Shri Saibaba Sansthan of Shirdi, Shirdi, Maharashtra" for the purpose of the said sub-clause for the assessment years 1996-97 to 1998-99 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10196/F. No. 197/118/96-  
ITA-I]

H. K. CHOUDHARY, Under Secy.

नई दिल्ली, 26 सितम्बर, 1996

(आयकर)

का.आ. 3359.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (ii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "गुरु गोविन्द सिंह फाउन्डेशन, चण्डीगढ़" को कर-निर्धारण वर्ष 1991-92 से 1993-94 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (vi) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका

संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;

(ii) कर-निर्धारिती उपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर, जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा, अथवा उसे जमा नहीं करवा सकेगा ;

(iii) यह अधिसूचना किसी ऐसी आय के सम्बन्ध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के सम्बन्ध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं० 10203/फा० सं० 197/114/96-आयकर  
नि०-I]

एच० के० चौधरी, अवर सचिव

New Delhi, the 26th September, 1996

### (INCOME TAX)

S.O. 3359.—In exercise of the powers conferred by sub-clause (v) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Guru Gobind Singh Foundation, Chandigarh" for the purpose of the said sub-clause for the assessment years 1991-92 to 1993-94 subject to the following conditions, namely:—

- (i) the assessee will apply in income or accumulate for application, wholly and exclusively to the objection for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of

accounts are maintained in respect of such business.

[Notification No. 10203/F. No. 197/114/96-  
ITA-II]

H. K. CHOUDHARY, Under Secy.

नई दिल्ली, 26 सितम्बर, 1996

(आयकर)

का०आ० 2360:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "गुरु गोबिन्द सिंह फाउंडेशन, चण्डीगढ़" को कर-निर्धारण वर्ष 1994-95 से 1995-96 तक के लिए निम्न-लिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

(i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;

(ii) कर-निर्धारिती उपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के सम्बन्ध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं० 10204/फा० सं० 197/114/96-आयकर  
नि०-I]

एच० के० चौधरी, अवर सचिव

New Delhi, the 26th September, 1996

### (INCOME TAX)

S.O. 3360.—In exercise of the powers conferred by sub-clause (v) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Guru

Gobind Singh Foundation, Chandigarh" for the said sub-clause for the assessment years 1994-95 and 1995-96 subject to the following conditions, namely:—

- (i) the assessee will apply in income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10204/F. No. 197/114/96-ITA-I]

H. K. CHOUDHARY, Under Secy.

नई दिल्ली, 7 अक्टूबर, 1996

(आयकर)

का० आ० 3361.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (v) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "हिन्दु सत्कार समिति, कलकत्ता" को कर-निर्धारण वर्ष 1996-97 से 1998-99 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर-निर्धारिणी इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर-निर्धारिणी उपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जैवर जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिणी के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं० 10211/फा० सं० 197/130/96-आयकर नि०-1]

एच०के० चौधरी, अवर सचिव

New Delhi, the 7th October, 1996

(INCOME TAX)

S.O. 3361.—In exercise of the powers conferred by sub-clause (v) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Hindu Satkar Samity, Calcutta" for the purpose of the said sub-clause for the assessment years 1996-97 to 1998-99 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10211/F. No. 197/130/96-ITA-I]

H. K. CHOUDHARY, Under Secy.

नई दिल्ली, 27 नवम्बर, 1996

(आयकर)

का. आ. 3362.—सर्वसाधारण के सूचनार्थ यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा मैसर्स एल. आई. सी. हाऊसिंग फाइनेंस लिमिटेड, बम्बई लाइफ बिल्डिंग, द्वितीय तल, 45/47, वीर नारीमन

रोड, बम्बई—400001 को आयकर अधिनियम, 1961 की धारा 36 (1) (8) के प्रयोजनार्थ कर-निर्धारण वर्ष 1996-97, 1997-98 और 1998-99 तक के लिए हाऊसिंग फाइनेंस कम्पनी के रूप में अनु-मोदित किया गया है।

2. यह अनुमोदन इस शर्त पर किया गया है कि कम्पनी आयकर अधिनियम, 1961 की धारा 36 (1) (8) के उपबंधों के अनुरूप होगी और उनका अनुपालन करेगी।

[अधिसूचना सं. 10233/फा. सं. 204/16/96—आयकर नि. II)]

मालथी आर. श्रीधरन, अवर सचिव

New Delhi, the 27th November, 1996

#### INCOME TAX

S.O. 3362.—It is notified for general information that M/s. L.I.C. Housing Finance Ltd., Bombay Life Building, 2nd floor, 45/47, Veer Nariman Road, Bombay-400091, have been approved by the Central Government as a Housing Finance Company for the purposes of Section 36(1)(viii) of the Income-tax Act, 1961, for the assessment years 1996-97, 1997-98 and 1998-99.

2. The approval is subject to the condition that the company will conform to and comply with the provisions of Section 36(1)(viii) of the Income-tax Act, 1961.

[Notification No. 10233/F. No. 204/16/96-ITA.II]

MALATHI R. SRIDHARAN, Under Secy.

नई दिल्ली, 28 नवम्बर, 1996

(आयकर)

का० आ० 3363.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (17) के उपखंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा छः सौ रुपये प्रतिमाह की धनराशि तक मध्य प्रदेश राज्य विधान सभा के सदस्यों द्वारा प्राप्त किए गए टेलीफोन भत्ते को उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है।

[अधिसूचना सं० 10234/फा० सं० 200/134/93-आयकर नि०-I]

एच०के० चौधरी, अवर सचिव

New Delhi, the 28th November, 1996

#### (INCOME TAX)

S.O. 3363.—In exercise of the powers conferred by sub-clause (iii) of clause (17) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the telephone allowance received by the members of Madhya Pradesh State Legislature to the extent

of rupees six hundred only per month for the purpose of the said sub-clause.

[Notification No. 10234/F. No. 200/134/93-ITA-I]

H. K. CHOUDHARY, Under Secy.

कार्यालय आयुक्त, केन्द्रीय उत्पाद शुल्क एवं सीमा शुल्क

इन्दौर, 21 नवम्बर, 1996

का. आ. 3364.— श्री के. एल. इन्दुरक्या अधीक्षक, समूह "ख" केन्द्रीय उत्पाद शुल्क आयुक्तालय, इन्दौर निवर्तन आयु प्राप्त करने पर दिनांक 31-10-96 को अपरान्ह में शासकीय सेवा से निवृत्त हुए।

[सं. 11(3) 9-गोप/93/4781]

अशोक कुमार गुप्ता, उप आयुक्त (कार्मिक एवं सतर्कता)

#### OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE & CUSTOMS

Indore, the 21st November, 1996

S.O. 3364.—Shri K. L. Indurkha, Supdt. Central Excise Group 'B' of Indore Commissionerate having attained the age of superannuation retired from Government Service on 31-10-96 in the afternoon.

[F. No. II(3)9-Con/93/4781]

ASHOK KUMAR GUPTA, Dy. Commissioner (P&V)

विदेश मंत्रालय

(हिन्दी अनुभाग)

नई दिल्ली, 19 नवम्बर, 1996

का. आ. 3365.—राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथा संशोधित, 1987) के नियम 10 के उप नियम 4 के अनुसरण में केन्द्रीय सरकार का विदेश मंत्रालय एतद्वारा निम्नलिखित पासपोर्ट कार्यालयों को, जिसके 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करता है :—

1. क्षेत्रीय पासपोर्ट कार्यालय, मुम्बई

2. पासपोर्ट कार्यालय, नागपुर

[सं. न्यू/हिन्दी/621/47/90]

प्रे. कृ. गोरावारा, उप-सचिव (हिन्दी)

**MINISTRY OF EXTERNAL AFFAIRS**

(Hindi Section)

New Delhi, the 19th November, 1996

S.O. 3365.—In pursuance of Sub-rule 4 of rule 10 of the Official Language (Use of Official Purposes of the Union) Rules, 1976 (as amended in 1987), the Central Government, Ministry of External Affairs, hereby notify the following Passport Offices, wherein more than 80 per cent staff have acquired working knowledge of Hindi :—

1. Regional Passport Office, Mumbai.
2. Passport Office, Nagpur.

[No. Q/Hindi/621/47/90]

P. K. GORAWARA Dy. Secy. (Hindi)

खाद्य मंत्रालय

नई दिल्ली, 20 नवम्बर, 1996

का. आ. 3366.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, खाद्य

मंत्रालय ( खाद्य आपूर्ण और वितरण ) के प्रशासनिक विभक्त्याधीन भारतीय खाद्य निगम के निम्नलिखित कार्यालयों, जिनके कर्मचारीवृन्द ने हिन्दी का कार्यासाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है :—

1. जिला कार्यालय, अलतो परवरिम, गोवा
2. जिला कार्यालय, सागर
3. जिला कार्यालय, दुर्ग

[संख्या ई. 2 11011/96]

कांति देव, निदेशक (प्रशा.)

**MINISTRY OF FOOD**

New Delhi, the 20th November, 1996

S.O. 3366.—In pursuance of Sub-rule (4) of rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices of F.C.I. under the administrative control of the Ministry of Food (Department of Food Procurement and Distribution), the staff whereof have acquired the working knowledge of Hindi :

1. District Office, Altoperirram, Goa.
2. District Office, Sagar.
3. District Office, Durg.

[No. E-11011/2/96-Hindi]  
KANTI DEB, Director (A)

कोयला मंत्रालय

नई दिल्ली, 22 नवम्बर, 1996

का.आ. 3367.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) के अधीन जारी भारत के राजपत्र, भाग 2 खंड 3, उपखंड (ii), तारीख 22 जुलाई, 1995 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का.आ.सं. 2012 तारीख 3 जलाई, 1995 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में जिसका माप 1780.00 एकड़ (लगभग) या 720.32 हेक्टेयर (लगभग) है, कोयले का पूर्वेक्षण करने के अपने आशय की सूचना दी थी,

और केन्द्रीय सरकार को यह समाधान हो गया है कि उक्त भूमि के भाग में कोयला अभिप्राप्त है,

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इससे संलग्न अनुसूची में वर्णित 900.00 एकड़ (लगभग) या 364.22 हेक्टेयर (लगभग) माप की भूमि में या ऐसी भूमि में या उन पर के अधिकारों का अर्जन करने के अपने आशय की सूचना देती है।

टिप्पणी 1: इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक सं. राज/13/96 तारीख 7 जून, 1996 का निरीक्षण उपायुक्त हजारीबाग (बिहार) के कार्यालय में या कोयला नियंत्रक, 1, कार्डसिल हाउस स्ट्रीट कलकत्ता के कार्यालय में या सेंट्रल कोलफील्ड्स लिमिटेड (राजस्व अनुभाग) दरभंगा हाउस, रांची (बिहार) के कार्यालय में किया जा सकता है।

टिप्पणी 2: कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबंध है :—

8 अर्जन के प्रति आक्षेप :—(1) कोई व्यक्ति जो किसी भूमि में जिसकी बाबत धारा 7 के अधीन अधिसूचना निकाली गई है, हितबद्ध है, अधिसूचना के जारी किए जाने के तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किसी अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

**स्पष्टीकरण :—**इस धारा के अन्तर्गत यह आपत्ति नहीं मानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन संक्रियाएं करनी चाहता है और ऐसी संक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

(2) उपधारा (1) के अधीन प्रत्येक आपत्ति सक्षम प्राधिकारी को लिखित रूप में की जाएगी और सक्षम प्राधिकारी आपत्तिकर्ता को स्वयं सुने जाने का या विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और ऐसी अतिरिक्त जांच, यदि कोई हो, करने के पश्चात् जो वह आवश्यक समझता है वह या तो धारा 7 की उपधारा (1) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के सम्बन्ध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के सम्बन्ध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्यवाही के अभिलेख सहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितवत्त समझा जाएगा जो प्रतिकर में हित का दावा करने का हकदार होता यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते हैं।

**टिप्पणी 3:** केन्द्रीय सरकार ने भारत के राजपत्र तारीख 11 जन, 1983 में पृष्ठ 2442 से 2446 तक में प्रकाशित अधिसूचना सं. का. भा. 2518 तारीख 27 मई, 1983 द्वारा कोयला नियंत्रक, 1, कार्नेल हाउस स्ट्रीट, कलकत्ता 700001 को उक्त अधिनियम की धारा 3 के अधीन सक्षम प्राधिकारी नियुक्त किया है।

अनुसूची

चानो-रिक्वा पूर्व विस्तार खंड

उत्तर करनपुरा कोयला क्षेत्र

जिला हजारी बाग (बिहार)

(अर्जित की जाने वाली भूमि दर्शाते हुए)

सभी अधिकार

क्रम सं.	ग्राम	थाना	थाना सं.	जिला	एकड़ में क्षेत्र	हेक्टेयर में क्षेत्र	टिप्पणियां
1.	होनहे मोरहा	मंडु	28	हजारीबाग	100.00	40.47	भाग
2.	खापिया	मंडु	29	हजारीबाग	380.00	153.78	भाग
3.	कंकी	मंडु	47	हजारीबाग	420.00	169.97	भाग
					कुल क्षेत्र	900.00 एकड़ (लगभग)	
					या	364.22 हेक्टेयर (लगभग)	

ग्राम होनहे मोरहा में अर्जित किए जाने वाले प्लॉट संख्यांक :—1235 (भाग), 1237 (भाग), 1238 (भाग), 1239 (भाग), 1246 (भाग), और 1243 (भाग)

ग्राम खापिया में अर्जित किए जाने वाले प्लॉट संख्यांक :—78 (भाग), 403 (भाग), 526 (भाग), 527 से 530, 588 (भाग), 591 (भाग), 594 (भाग), 595 से 599, 600 (भाग), 601 से 613, 614 (भाग), 619 (भाग), 620 630 (भाग), 631, से 635, 636 (भाग), 637 (भाग), 641 (भाग), 648 से 677, 678 (भाग), 679 और 680।

ग्राम कंकी में अर्जित किए जाने वाले प्लॉट संख्यांक:—

1 से 52, 53 (भाग), 54 से 72, 73 (भाग), 74 (भाग), 89 (भाग), 107 (भाग), 108, 110 से 119, 121 (भाग), 122 (भाग), 123 (भाग), 124 से 141, 142 (भाग), 146 (भाग), 152 (भाग), 154, 155 (भाग), 156 (भाग), 159 से 296, 297 (भाग), 298, 299 (भाग), 302 (भाग), 303, 304, 308 (भाग), 311 (भाग), 312 (भाग), 1354, 1356, 1357, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, (भाग), 1370 (भाग) और 1372 से 1440।

भीमा वर्णन

क-ख

जैबा, ग्राफ खापिया के 78 और 403 के प्लॉट संख्यां से होकर जाती है जो का. भा. सं. 3685 तारीख 27 नवम्बर, 1962 द्वारा कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 की धारा



9 (1) के अधीन अर्जित चना रिक्वा की सम्मिलित सीमा बनाती है और बिन्दु, 'क' पर मिलती है।

ख-ग रेखा, ग्राम खापिया के प्लॉट संख्यांक 403, 78, 526, 678, 641, 637 636 630, 619, 614, 588, 600, 588, 591, 588 और 594 से होकर जाती है तब ग्राम कंकी और खापिया की भागतः सम्मिलित सीमा के साथ-साथ जाती है (जो का.प्रा.ग. 3685 तारीख 27 नवम्बर, 1962 द्वारा कोयला धारक क्षेत्र (अर्जन जॉर्ज पिकाम) अधिनियम, 1957 की धारा 9 (1) के अधीन अर्जित चना रिक्वा की सम्मिलित सीमा बनाती है ) और "ग" बिन्दु पर मिलती है।

ग-घ रेखा, ग्राम कंकी में भारंग गारा नदी के बायें किनारे के साथ साथ जाती है और "घ" बिन्दु पर मिलती है।

घ-ङ रेखा, ग्राम कंकी के प्लॉट संख्यांक 297, 299, 302, 312, 302, 311, 308, 146, 152, 155, 156, 142, 89, 142, 121, 107, 121, 122, 123, 73, 74, 53, 1370 और 1369 से होकर जाती है और "ङ" बिन्दु पर मिलती है।

ङ-क रेखा ग्राम होन्हे मोरहा के प्लॉट संख्यांक 1243, 1240, 1239, 1235, 1238 और 1237 से होकर जाती है फिर ग्राम खापिया के प्लॉट संख्यांक 78 से होकर जाती है और आरंभिक बिन्दु "क" पर मिलती है।

[सं. 43015/6/95 एल.एस. डब्ल्यू.]

श्रीमती पी.एल. सैनी, अवसर सचिव

## MINISTRY OF COAL

New Delhi, the 22nd November, 1996

S.O. 3367 :—Whereas by the notification of the Government of India in the Ministry of Coal No. S.O. 2012 dated the 3rd July, 1995, published in the Gazette of India Part-II, Section 3, Sub-Section (ii) dated the 22nd July, 1995 issued under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) the Central Government gave notice of its intention to prospect for coal in 1780.00 acres (approximately) or 720.32 hectares (approximately) of the lands in the locality specified in the Schedule appended to that notification;

And whereas the Central Government is satisfied that coal is obtainable from the said lands;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire the lands measuring 900.00 acres (approximately) or 364.22 hectares (approximately) described in the Schedule appended hereto;

Note 1: The plan No. Rev/13/96 dated the 7th June, 1996 of the area covered by this notification may be inspected in the Office of the Deputy Commissioner, Hazaribagh (Bihar) or in the Office of the Coal Controller, 1, Council House Street, Calcutta-700001 or in the Office of the Central Coalfields Limited (Revenue Section), Darbhanga House, Ranchi (Bihar).

Note 2: Attention is hereby invited to the provisions of section 8 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), which provides as follows:

### Objection to acquisition:

"8 (1) Any person interested in any land in respect of which a notification under section 7 has been issued may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or any rights in or over such lands.

Explanation :— It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing, and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in

or over such land, or make different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government.

- (3) For the purposes of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act.

Note 3 :—The Coal Controller, 1, Council House Street, Calcutta, has been appointed by the Central Government, as the competent authority under section 3 of the said Act vide notification number S.O. 2518, dated the 27th May, 1983 published in the Gazette of India dated the 11th June, 1983 at pages 2442 to 2446.

### SCHEDULE

Chano-Rikba Eastern Extension Block  
North Karanpura Coalfields  
District Hazaribagh (Bihar)

(Showing land to be acquired)

All Rights

Serial number	Village	Thana	Thana number	District	Area in acre	Area in hectares	Remarks
1.	Honhe Morha	Mandu	28	Hazaribagh	100.00	40.47	Part
2.	Khapia	Mandu	29	Hazaribagh	380.00	153.78	Part
3.	Kanki	Mandu	47	Hazaribagh	420.00	169.97	Part
Total Area 900.00 acres (approximately) or 364.22 hectares (approximately)							

Plot numbers to be acquired in village Honhe Morha:—1235(Part), 1237(Part), 1238(Part), 1239(Part), 1240(Part), and 1243(Part),.

Plot numbers to be acquired in village Khapia :—78(Part), 403 (Part), 26 (Part), 527 to 530, 588 (Part), 591 (Part), 594 (Part), 595 to 599, 600 (Part), 601 to 613, 614 (Part), 619 (Part), 620, 630(Part), 631 to 635, 636(Part), 637 (Part), 641 (Part), 648 to 677, 678 (Part), 679 and 680.

Plot numbers to be acquired in village Kanki :—1 to 52, 53, (Part), 54 to 72, 73, (Part), 74(Part), 89(Part), 107(Part), 108, 110 to 119, 121(Part), 122(Part), 123(Part), 124 to 141, 142(Part), 146(Part), 152(Part), 154, 155(Part), 156(Part), 159 to 296, 297 (Part), 298, 299(Part), 302(Part), 303, 304, 308(Part), 311 (Part), 312(Part), 1354, 1356, 1357, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369(Part), 1370(Part), and 1372 to 1440.

### BOUNDARY DESCRIPTION :

- A-B Line passess through plot numbers 78 and 403 in village Khapia (which forms common boundary of Chano-Rikba block acquired under section(1) of Coal Bearing Areas Acquisition and Development Act, 1957 vide S.O number 3685 dated the 27th November, 1962 and meets at point 'B'.
- B-C Line passes through plot numbers 403, 78, 526, 678, 641, 637, 636, 630, 619, 614, 588, 600, 588, 591, 588, and 594 in village Khapia, then passes along part common boundary of villages Kanki and Khapia (which forms common boundary of Chano-Rikba block acquired under section 9(1) of Coal Bearing Areas (Acquisition and Development) Act, 1957 vide S.O. number 3685 dated the 27th November, 1962 and meets at point 'C'.

- C-D Line passes along left bank of Marang gara Nadi in village Kanki and meets at point 'D'.
- D-E Line passes through plot numbers 297, 299, 302, 312, 302, 311, 308, 146, 152, 155, 156, 142, 89, 142, 121, 107, 121, 122, 123, 73, 74, 53, 1370 and 1359 in village Kanki and meets at point 'E'.
- E-A Line passes through plot numbers 1242, 1240, 1239, 1235, 1238, and 1237 in village Honhe morha then through plot number 78 in village Khapia and meets at starting point 'A'.

[No. 43015/6/95 LSW]

M. L. SAINI Under Secy.

नई दिल्ली, 22 नवम्बर, 1996

पा.प्रा. 3368.— केन्द्रीय सरकार को पट परोस होता है कि इसमें उपायय अनुसूची में उल्लिखित परिक्षेन की भूमि में कोयला अधिभूतन किए जाने की संभावना है।

अतः, अतः, केन्द्रीय सरकार, कोयला आरक अधि (प्रर्वतन आर विकास) अधिनियम, 1957 (1957 का 20) (जिसमें उसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उसमें कोयले का पूर्वेक्षण करने के आदेश आदेश की सूचना देती है।

इस अधिभूतन के अन्तर्गत आने वाले क्षेत्र की रेखांक सं. सी 1 (ई) III-जी.आर./609/06/95, तारीख 28 जून, 1996 का निरोधन क्षेत्र कोयला अधिभूतन विनिर्देश (राजस्व विभाग), कोल ईस्ट, मिनिन लाइन, भागपुर-440001 (महाराष्ट्र) के कार्यालय में या कलकट्टा, छिदवाड़ा (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउन्सिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिभूतन के अन्तर्गत आने वाली भूमियों में द्विचक्र सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी तथ्यों, चार्ज आर अन्य दस्तावेजों को, इस अधिभूतन के प्रकाशन की तारीख में नये दिन के भीतर, भारसाधक अधिकारी/विभागाध्यक्ष (राजस्व), क्षेत्र कोयला अधिभूतन विनिर्देश, कोल ईस्ट, मिनिन लाइन, भागपुर-440001 (महाराष्ट्र) को परिदत्त करेंगे।

अनुसूची

सन्तान खनन विस्तारण ब्लॉक

पैस क्षेत्र

जिला छिदवाड़ा (मध्य प्रदेश)

(रेखांक सं. सी 1 (ई) III/जी.आर./609/06/96 तारीख 28 जून, 1996)

क्रम वन का नाम	कम्पाटमेंट सं.	ब्लॉक सं.	तहसील	जिला	क्षेत्र हेक्टेयरों में	टिप्पणीया
1. सरकारी वन	717	64	परामिया	छिदवाड़ा	45.00	भाग

कुल क्षेत्र 45.00 हेक्टेयर (लगभग)

या

111.19 एकड़ (लगभग)

सीमा वर्णन :

क-ख रेखा बिन्दु "क" से आरंभ होती है और सरकारी वन कम्पाटमेंट सं. 717 (ब्लॉक सं. 64) से होकर जाती है तथा बिन्दु "ख" पर मिलती है।

ख-ग रेखा सरकारी वन कम्पाटमेंट सं. 717 (ब्लॉक सं. 64) से होकर जाती है और सरकारी वन कम्पाटमेंट सं. 717 (ब्लॉक सं. 64) की सम्मिलित सीमा तथा बिन्दु "ग" के ग्राम रावतगढ़ा पर स्थित है।

- ग-घ रखा सरकारी वन कम्पार्टमेंट सं. 717 (ब्लॉक सं. 64) को सम्मिलित सोमा और ग्राम रावनवाड़ा को साथ-साथ जाता है फिर सरकारी वन कम्पार्टमेंट सं. 717 (ब्लॉक सं. 64) से होकर आगे बढ़ता है और बिन्दु "घ" पर मिलता है।
- घ-क रखा सरकारी वन कम्पार्टमेंट सं. 717 (ब्लॉक सं. 64) से होकर जाती है और आरंभिक बिन्दु "क" पर मिलता है।

[सं. 43015/13/96-एल. डब्ल्यू. यू.]

श्रीमता पी. एल. सैनी, श्रवर सचिव

New Delhi, the 22nd November, 1996

S.O. 3368:—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing No. C-1 (J) III/GR/609/0696 dated the 28th June, 1996 of the area covered by this notification can be inspected in the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440 001 (Maharashtra) or in the office of the Collector, Chhindwara (Madhya Pradesh) or in the office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the lands covered by this notification shall deliver all maps, chart and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer-in-Charge/Head of the Department (Revenue), Western Coalfields Limited, Coal Estate, Civil Lines Nagpur-440 001 (Maharashtra) within ninety days from the date of publication of this notification.

## SCHEDULE

GANPATI MINE EXTENTION BLOCK  
PENCH AREA

## DISTRICT CHHINDWARA (MADHYA PRADESH)

(Plan No. C-1(E) III/GR/609/0696 dated the 28th June, 1996)

S. No.	Name of Forest	Compartment number	Block number	Tahsil	District	Area in hectares	Remarks
1.	Government Forest	717	64	Parasia	Chhindwara	45.00	Part
Total area;						45.00	hectares (approximately or 111.19 acres (approximately)

## Boundary description;

- A—B Line starts from point 'A' and passes through Government Forest Compartment number 717 (Block number 64) and meets at point 'B'.
- B—C Line passes through Government Forest Compartment number 717 (Block number 64) and meets on the common boundary of Government Forest Compartment number 717 (Block Number 64) and village Rawanwara at point 'C'.
- C—D Line passes along the common boundary of Government Forest Compartment number 717 (Block number 64) and village Rawanwara then proceeds through Government Forest Compartment number 717 (Block number 64) and meets at point 'D'.
- D—A Line passes through Government Forest Compartment number 717 (Block number 64) and meets at starting point 'A'.

[No. 43015/13/96—LW]

MRS. P.L. SAINI, Under Secy.

## अदेश

नई दिल्ली, 22 नवम्बर, 1996

का.आ. 3369.— कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 9 की उपधारा (1) के अधीन निकाली गई भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का.आ. 3120, तारीख 9 नवम्बर, 1995 के, भारत के राजपत्र भाग 2, खंड 3, उपखंड (ii), तारीख 2 दिसम्बर, 1995 में प्रकाशित होने पर, उक्त अधिसूचना में संलग्न अनुसूची में वर्णित भूमि और भूमि में खनिजों के खनन, खदान, बोर करने, उनकी खुदाई करने और तलाश करने, उन्हें प्राप्त करने, उस पर कार्य करने और उन्हें ले जाने के अधिकारों (जिसे इसमें इसके पश्चात उक्त खनन अधिकार कहा गया है) उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन, सभी विलंगमों से मुक्त होकर, आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गए थे,

और, केन्द्रीय सरकार का यह समाधान हो गया है कि साउथ इस्टर्न कोलफील्ड्स लिमिटेड, बिलासपुर (मध्य प्रदेश) सरकारी कंपनी है, (जिसे इसमें इसके पश्चात उक्त कंपनी कहा गया है), ऐसे निबंधनों और शर्तों का, जो केन्द्रीय सरकार इस निम्नलिखित अधिरोपित करना उचित समझे, अनुपालन करने के लिए राजमंद है,

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि इस प्रकार निहित खनन अधिकार, तारीख 2 दिसम्बर, 1995 में केन्द्रीय सरकार में इस प्रकार निहित बने रहने की वजाय, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, उक्त कंपनी में निहित हो जाएंगे, अर्थात् :—

- (1) उक्त कंपनी, उक्त अधिनियम के उपबंधों के अधीन अवधारित प्रतिफल व्याज, नुकसानी और बंसी ही मदों की वाबत किए गए सभी मदों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी,
- (2) उक्त कंपनी, द्वारा निम्नलिखित शर्तों के अधीन केन्द्रीय सरकार की संदेय रकमों का अवधारण करने के प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी, अधिकरण और ऐसे अधिकरण की सहायता के लिए नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, उक्त कंपनी वहन करेगी और इसी प्रकार, निहित उक्त भूमि में या उस पर के अधिकारों के लिए या उनके संबंध में सभी विधिक कार्यवाहियों, जैसे अपील आदि की बाबत उपगत सभी व्यय भी, उक्त कंपनी वहन करेगी,
- (3) उक्त कंपनी, केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में, जो इस प्रकार निहित उक्त खनन अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो, क्षतिपूर्ति करेगी,
- (4) उक्त कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त खनन अधिकारों को किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी, और
- (5) उक्त कंपनी, ऐसे निदेशों और शर्तों का, जो केन्द्रीय सरकार द्वारा जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएं या अधिरोपित की जाएं, पालन करेगी।

[फा.स. 43015/18/93-एल.एस. डब्ल्यू.]

श्रीमती पी.एल. सैनी, अव्वर सचिव

## ORDER

New Delhi, the 22nd November, 1996

S.O. 3369.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal, number S.O. 3120 dated 9th November, 1995 in the Gazette of India, Part II, Section 3, Sub-section (ii) dated 2nd December, 1995, issued under sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the right of mine, quarry, bore, dig and search for, win work and carry away minerals in the lands described in the Schedule appended to the that notification (hereinafter referred to as the said mining rights) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of Section 10 of the said Act;

And whereas the Central Government is satisfied that the South Eastern Coalfields Limited, Bilaspur (Madhya Pradesh) (hereinafter referred to as the said Company), a Government Company, is willing to comply with such terms and conditions as the Central Government as thinks fit to impose in this behalf:

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the said mining rights so vested shall, with effect from 2nd December, 1995 instead of continuing to so vest in the Central Government, vest in the said Company, subject to the following terms and conditions, namely :—

1. The said company shall reimburse the Central Government all payments made in respect of compensation, interest,

damages and the like, as determined under the provisions of the said Act.

2. A Tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the said Company under the following conditions namely all expenditure incurred in connection with any such Tribunal and persons appointed to assist the tribunal shall be borne by the said Company and similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc. for or in connection with the mining rights so vesting shall also be borne by the said company.
3. The said company shall indemnify the Central Government or its Official for

any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the said mining rights so vesting.

4. The said company shall have no power to transfer the said mining rights to any other persons without the previous approval of the Central Government and
5. The said company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said lands, as and when necessary.

[No. 43015/18/93-LSW]

MRS. P. L. SAINI, Under Secy.

नई दिल्ली, 27 नवम्बर, 1996

का.आ. 3370 :—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्थ और विकास) अधिनियम, 1957 (1957 का 20) (जिसे हमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 7 की उपधारा (1) के अन्तर्गत जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना सं.का.आ. 1755, तारीख 15 मई, 1996 जो भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), तारीख 15 जून, 1996 में प्रकाशित की गई थी द्वारा उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट पश्चिम माप को भूमि में 258.96 एकड़ (लगभग) या 104.80 हेक्टेयर (लगभग) है। खनिजों के खनन, खदान खोल करने, खुदाई करने और खनिजों को तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकारों का अर्जन करने के अति आशय को सूचना दी थी;

सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है,

केन्द्रीय सरकार का, पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात और मध्य प्रदेश सरकार से परामर्श करने के पश्चात यह समाधान हो गया है कि इसमें संलग्न अनुसूची में वर्णित 258.96 एकड़ (लगभग) या 104.80 हेक्टेयर (लगभग) माप वाली भूमि में खनिजों के खनन, खदान खोल करने, खुदाई करने और खनिजों को तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकार अर्जित किए जाने चाहिए।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इसमें संलग्न अनुसूची में वर्णित 258.96 एकड़ (लगभग) या 104.80 हेक्टेयर (लगभग) माप की भूमि में खनिजों के खनन, खदान खोल करने, उनकी खुदाई और खोज करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकार अर्जित किए जाते हैं।

इस अधिसूचना के अन्तर्गत अने वाले क्षेत्र के रेखांक सं. एम.ई.सी.एल/बी.एम.पी./ (जी एम)/पी एल जो/बीड/173, तारीख 8 अगस्त, 1996 का निरीक्षण कलक्टर, रायगुजा (मध्य प्रदेश) के कार्यालय में या कोयला निगम, 1, कार्डिनल स्ट्रीट, कलकत्ता के कार्यालय में या माउथ ईस्टर्न कोलफील्ड्स लिमिटेड (राजस्थान विभाग), सोपल रोड, बिलासपुर-495006 (मध्य प्रदेश) के कार्यालय में किया जा सकता है।

अनुसूची

चिरोमिरी कोलियरी के पश्चिमी में ब्लॉक 1

चिरोमिरी क्षेत्र

जिला—रायगुजा (मध्य प्रदेश)

खनन अधिकार :

वन भूमि

क्रम संख्या	वन कम्पार्टमेंट संख्या	रेज	प्रभाग	क्षेत्र हेक्टेयरों में	टिप्पणियां
1.	536	चिरोमिरी (पैराडोल आरक्षित वन)	कोरिया	1.53	भाग
2.	537	चिरोमिरी (पैराडोल आरक्षित वन)	कोरिया	103.27	भाग
कुल : 104.80 हेक्टेयर (लगभग) या 258.96 एकड़ (लगभग)					

## सीमा वर्णन

- क-ख-ग रेखा वन कम्पाटमेंट संख्या 537 में बिन्दु "क" से आरंभ होती है और वन कम्पाटमेंट सं. 537, 536 से होकर जाती है तथा बिन्दु "ग" पर मिलती है।
- ग-क रेखा वन कम्पाटमेंट सं. 536, 537 से होकर जाती है, उसके बाद भागक विरोमिरी कोलियरी और वन कम्पाटमेंट सं. 537 की सम्मिलित सीमा के साथ चलती जाती है और इसके बाद वन कम्पाटमेंट सं. 537 से होकर आगे बढ़ती है तथा अंतिम बिन्दु "क" पर मिलती है।

[सं. 43015/21/94-एल. एम. डब्ल्यू.]

श्रीमती पी एन मैनी, अवर सचिव

New Delhi, the 27th November, 1996

S. O. 3370 -- Whereas by the notification of the Government of India in the Ministry of Coal number S.O. 1755 dated the 15th May, 1996, issued under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), and published in Part-II, Section 3, sub-section (ii) of the Gazette of India, dated 15th June, 1996 the Central Government gave notice of its intention to acquire the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 258.96 acres (approximately) or 104.80 hectares (approximately), in the locality specified in the Schedule appended to that notification;

And whereas the competent authority in pursuance of section 8 of the said Act, has made his report to the Central Government;

And whereas the Central Government after considering the report aforesaid and after consulting the Government of Madhya Pradesh, is satisfied that the rights to mine, quarry, bore, dig and search for win, work and carry away minerals in the lands measuring 258.96 acres (approximately) or 104.80 hectares (approximately) described in the Schedule appended hereto, should be acquired;

Now, therefore in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the rights to mine, quarry, bore, dig and search for win, work and carry away minerals in the lands measuring 258.96 acres (approximately) or 104.80 hectares (approximately) described in the Schedule appended hereto are hereby acquired.

The plan bearing No. SECL/BSP/GM(PLG)/LAND/173 dated 8th August, 1996, of the area covered by this notification may be inspected in the Office of the Collector, Surguja (Madhya Pradesh) or in the office of the Coal Controller, 1, Council House Street, Calcutta or in the Office of the South Eastern Coalfields Limited (Revenue Department) Seepat Road, Bilaspur-495006 (Madhya Pradesh).

## SCHEDULE

## WEST OF CHIRIMIRI COLLIERY BLOCK-I

## CHIRIMIRI AREA

## DISTRICT-SURGUJA (MADHYA PRADESH)

## MINING RIGHTS

## FOREST LAND

S. No.	Forest compartment number	Range	Division	Area in hectares	Remarks
1.	536	Chirimiri (Paradol Reserved Forest)	Korea	1.53	Part
2.	537	Chirimiri (Paradol Reserved Forest)	Korea	103.27	Part
TOTAL: 104.80 hectares (approximately) OR 258.96 acres (approximately)					

## Boundary Description:

- A—B—C Line starts from Point 'A' in forest compartment number 537 and passes through forest compartment numbers 537, 536 and meets at point 'C'.

C—A Line passes through forest compartment numbers 536, 537 then partly along the common boundary of Chirimiri Colliery and forest compartment numbers 537, then proceeds through forest compartment number 537 and meets at the starting point 'A'.

[No. 43015/21/94-LSW]  
MRS. P.L. SAINI, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय  
नई दिल्ली, 20 नवम्बर, 1996

का. आ. 3371:—केन्द्रीय सरकार के राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में पेट्रोलियम और प्राकृतिक गैस मंत्रालय के अधीनस्थ सार्वजनिक क्षेत्र उपक्रम के कार्यालय, इंजीनियर्स इंडिया लिमिटेड, एच पी सी एल साइट, माहुल, बम्बई (महाराष्ट्र) (पिन-400074) को, जिसके 80% कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया था अधिसूचना सं. 11001/1/95-हिन्दी दिनांक 13 दिसम्बर, 1995 के जरिए अधिसूचित किया था।

2. अब, उपर्युक्त कार्यालय चूंकि काय पूरा होने पर बंद कर दिया गया है, इसलिए केन्द्रीय सरकार इस कार्यालय को अधिसूचित करती है।

[संख्या 11011/1/96-हिन्दी]  
कृष्ण कान्त झा, उप निदेशक (रा. भा.)

MINISTRY OF PETROLEUM & NATURAL GAS  
New Delhi, the 20th November, 1996

S.O. 3371.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for official purposes of the Union) Rules, 1976 the Central Government had notified 'Engineers India Ltd., HPCL Site, Mahul, Bombay (Maharashtra) (Pin-400074)'; an office of the Public Sector Undertaking under the control of the Ministry of Petroleum and Natural Gas, the staff whereof had acquired 80 per cent working knowledge of Hindi vide Notification No. 11011/1/95-Hindi dated 13th December, 1995.

2. Now, as aforesaid office has since been closed on completion of the task, the Central Government, therefore, denotifies this office.

[No. 11011/1/96-Hindi]  
K. K. JHA, Dy. Director (OL)

नई दिल्ली, 20 नवम्बर, 1996

का. आ. 3372:—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में पेट्रोलियम और प्राकृतिक गैस मंत्रालय के अधीनस्थ सरकारी क्षेत्र के उपक्रमों के निम्नलिखित कार्यालयों को जिसके 80 प्रतिशत

कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:—

हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड

1. भुवनेश्वर क्षेत्रीय कार्यालय,  
आलोक भारती, 5वीं मंजिल, शहीद नगर,  
भुवनेश्वर-751007

इंडियन आयल कॉर्पोरेशन लिमिटेड

2. बरौनी-कानपुर पाइपलाइन,  
मुगलसराय
3. बरौनी-कानपुर पाइपलाइन,  
कानपुर
4. बरौनी-कानपुर पाइपलाइन,  
पटना

बामर लॉरी एण्ड कं. लिमिटेड

5. मैसर्स बामर लॉरी एण्ड कं. लि.,  
302, रीजेन्सी हाऊस, 680 सोमाजी गुडा  
हैदराबाद-500482

[सं. 11011/1/96-हिन्दी]  
कृष्ण कान्त झा, उप निदेशक (रा. भा.)

New Delhi, the 20th November, 1996

S.O. 3372.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices of the Public Sector Undertakings under the control of the Ministry of Petroleum and Natural Gas, the 80 per cent Staff whereof have acquired working knowledge of Hindi:—

Hindustan Petroleum Corporation Limited

1. Bhuvneshwar Regional Office,  
Alok Bharti, 5th Floor,  
Shaheed Nagar, Bhuvneshwar-751007.

Indian Oil Corporation Limited

2. Barauni-Kanpur Pipeline, Mugalsarai.
3. Barauni-Kanpur Pipeline, Kanpur.
4. Barauni-Kanpur Pipeline, Patna.

M/s. Balmer Lawrie & Co. Ltd.

5. M/s. Balmer Lawrie & Co. Ltd.,  
302, Regency House, 680, Somaji Guda,  
Hyderabad-500482.

[No. 11011/1/96-Hindi]  
K. K. JHA, Dy. Director (OL)



नं. दि. की, 28 नवम्बर, 1996

का. आ. 3373 :—चूंकि केन्द्रीय सरकार को यह प्रतीत होता है कि जार्जिया में यह आवश्यक है कि कमलापुरम अरली प्रोजेक्शन सिस्टम से आदि मायामंगलम जी. जी. एस. तमिलनाडु राज्य में पेट्रोलियम और प्राकृतिक गैस के परिवहन के लिए पाइपलाईन गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा बिछाई जानी चाहिए।

और चूंकि यह प्रतीत होता है कि ऐसी लाइन की बिछाने के प्रयोजन के लिए एतदुपाय अतुल्य में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः, अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित करती है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड कावेरी बसोन, नागापट्टिनम—611007 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा,

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या वह चाहता है कि उसकी मुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

कमलापुरम अरली प्रोजेक्शन सिस्टम से आदियकामंगलम जी. जी. एस. गैस पाइपलाईन प्रोजेक्ट

राज्य	जिला	तासुका	गांव नं. और नाम	सूचक	क्षेत्रफल		टिप्पणी
					हेक्टे: में	एकड़ सेन्टी में	
1	2	3	4	5	6	7	8
उडु							
तमिलनाडु	नगई क्वाण्ड-ई-मिल्लथ	तिरुवारूर	36 अर्लीवालम	89.2	0.07.5	0.18	
				89.3	0.03.0	0.08	
				89.4	0.06.5	0.16	
				94.6 ए 2	0.01.0	0.02	
				94.8	0.03.0	0.08	
				94.9	0.15.0	0.37	
				94.10	0.00.5	0.01	
				91.1	0.05.0	0.12	
				91.2	0.05.0	0.12	
				84	0.05.0	0.12	
				81.1	0.04.0	0.10	
				81.2	0.06.5	0.16	
				81.5	0.09.0	0.22	
				82.3	0.00.5	0.01	
				82.4 ए	0.01.0	0.02	
				82.1 बी 1	0.01.5	0.04	
				82.1 बी 2	0.01.0	0.02	
				82.4 सी	0.04.0	0.10	
				82.5 ए	0.02.5	0.06	
				82.5 बी	0.01.5	0.04	
				82.5 गी	0.03.0	0.08	
				82.6	0.06.5	0.16	
				76.1	0.07.0	0.17	

1	2	3	4	5	6	7	8
तमिलनाडु	नगई क्वाएथ-ई- मिल्लथ,	तिरुवारुर	36-अलिवालम	76.2 ए 1	0.07.5	0.18	
				76.2 ए 2	0.01.5	0.04	
				109.2	0.00.5	0.01	
				सी 15			
				109.5	0.05.0	0.12	
				ए 3			
				109.5	0.01.5	0.04	
				ए 4			
				75.1	0.05.0	0.12	
				75.2	0.04.0	0.10	
				75.3	0.02.0	0.05	
				52.1 बी	0.03.0	0.08	
				52.2	0.02.0	0.05	
				52.3 ए	0.04.5	0.11	
				51.1 ए	0.03.0	0.08	
				110.5	0.03.0	0.08	
				110.6	0.02.0	0.05	
				बी 1			
				110.6	0.02.0	0.05	
				बी 2			
				110.14	0.01.0	0.02	
				110.15	0.08.0	0.20	
				110.16	0.08.0	0.20	
				113.1 बी	0.01.5	0.04	
				113.2	0.06.5	0.16	
				113.4 बी	0.01.5	0.01	
				113.5 बी	0.02.0	0.05	
				113.8 ए	0.01.5	0.04	
				113.8 बी	0.01.5	0.04	
				113.9	0.01.0	0.02	
				113.10 ए	0.03.0	0.08	
				113.11	0.05.6	0.12	
				113.14	0.07.5	0.19	
				48.1	0.05.0	0.12	
				36.12	0.04.5	0.11	
				37.2 ए	0.02.0	0.05	
				35.2 सी	0.02.5	0.06	
				35.3	0.06.0	0.14	
				124.1	0.05.5	0.13	
				124.5	0.05.5	0.13	
				125.3 बी	0.04.0	0.10	
				125.4	0.06.0	0.14	
				128.1 ए	0.01.5	0.04	
				128.1 सी	0.04.5	0.11	
				128.3	0.11.0	0.27	
				129.3	0.03.0	0.08	

1	2	3	4	5	6	7	8
तमिलनाडु	नगई क्वाण्ट-ई- मिल्लथ	तिरुवारुर	37-वैक्के श्वारा- पुरम	6.1	0.03.5	0.09	
				6.3	0.00.5	0.01	
				41.8	0.02.0	0.05	
				40.2	0.05.5	0.13	
				40.5ए	0.03.5	0.09	
				40.5बी	0.03.5	0.09	
				40.5डी	0.04.5	0.11	
				40.5ई	0.02.0	0.03	
				40.8ए	0.03.5	0.09	
				40.8बी	0.02.0	0.05	
				40.6	0.02.0	0.05	
				39.2ए	0.07.5	0.18	
				39.2बी1	0.02.0	0.05	
				39.2बी2	0.02.5	0.06	
				39.3/3	0.06.5	0.16	
				39.4	0.07.0	0.17	
				38.2	0.01.5	0.04	
				38.4	0.02.5	0.06	
				38.5	0.03.0	0.07	
				38.6	0.06.5	1.16	
				38.7	0.12.0	0.30	
				35.3	0.04.0	0.10	
				35.4	0.08.0	0.20	
				35.5ए	0.07.0	0.17	
				35.5बी	0.07.5	0.18	
				56.2	0.02.0	0.05	
				55.3	0.04.0	0.10	
				55.7	0.01.0	0.02	
				54.2	0.03.0	0.08	
				54.3	0.03.5	0.09	
				54.4	0.04.5	0.10	
				54.5	0.06.0	5.15	
				53.2	0.11.0	0.27	
				53.5	0.07.0	0.17	
				53.6ए	0.01.5	0.04	
				53.6बी	0.01.5	0.04	
				53.10	0.01.0	0.02	
				52.2	0.02.0	0.05	
				52.4	0.03.0	0.07	
				52.5	0.03.0	0.08	
				52.7	0.01.5	0.04	
				52.8	0.01.5	0.04	
				58.8	0.00.5	0.01	
51.1	0.08.0	0.20					
51.2	0.10.0	0.25					
51.3	0.01.0	0.02					

1	2	3	4	5	6	7	8
				88.1ए	0.09.5	0.23	
				88.1 बी	0.00.5	0.01	
				88.4	0.01.0	0.02	
				88.5	0.05.0	0.12	
				88.6	0.04.0	0.10	
				88.7	0.08.0	0.20	
				88.8	5.01.0	0.02	
				88.9	0.04.5	0.11	
				92	0.06.0	0.15	
				91	0.03.0	0.07	

[सं. एल-14016/15/94-जी पी]

अर्धेन्द्र सेन, निदेशक

New Delhi, the 28th November, 1996

S.O. 3373. Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas from Kamlapuram Early Production System to Adiyakamangalam GGS in Tamil Nadu State pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto:

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interest in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd, Cauvery Basin, Nagapattinam-611001.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

## SCHEDULE

Kamalapuram Early Production System to Adiyakamangalam, G.G.S. Gas Pipe Line Project

State	District	Taluk	Village No. & Name	Survey Number	Extent		Remarks
					In Hectares	In Acre Cent	
1	2	3	4	5	6	7	8
Tamil Nadu	Nagai Quaid-e-Milleth	Tiruvarur	36 Alivalam	89.2	0.07.5	0.18	
				89.3	0.03.0	0.08	
				89.4	0.06.5	0.16	
				94.6A2	0.01.0	0.02	
				94.8	0.03.0	0.08	
				94.9	0.15.0	0.37	
				94.10	0.00.5	0.01	
				91.1	0.05.0	0.12	
				91.2	0.05.0	0.12	
				84	0.05.0	0.12	
				81.1	0.04.0	0.10	

1	2	3	4	5	6	7	8
Tamil Nadu	Nagai Quaid-E-Milleth	Tiruvavur	36 Alivalam	81.2	0.06.5	0.16	
				81.5	0.09.0	0.22	
				82.3	0.00.5	0.01	
				82.4A	0.01.0	0.02	
				82.1B1	0.01.5	0.04	
				82.1B2	0.01.0	0.02	
				82.4C	0.04.0	0.10	
				82.5A	0.02.5	0.06	
				82.5B	0.01.5	0.04	
				82.5C	0.03.0	0.08	
				82.6	0.06.5	0.16	
				76.1	0.07.0	0.17	
				76.2A1	0.07.5	0.18	
				76.2A2	0.01.5	0.04	
				109.2C15	0.00.5	0.01	
				109.5A3	0.05.0	0.12	
				109.5A4	0.01.5	0.04	
				75.1	0.05.0	0.12	
				75.2	0.04.0	0.10	
				75.3	0.02.0	0.05	
				52.1B	0.03.0	0.08	
				52.2	0.02.0	0.05	
				52.3A	0.04.5	0.11	
				51.1A	0.03.0	0.08	
				110.5	0.03.0	0.08	
				110.6B1	0.02.0	0.05	
				110.6B2	0.02.0	0.05	
				110.14	0.01.0	0.02	
				110.15	0.08.0	0.20	
				110.16	0.08.0	0.20	
				113.1B	0.01.5	0.04	
				113.2	0.06.5	0.16	
				113.4B	0.01.5	0.04	
				113.5B	0.02.0	0.05	
				113.8A	0.01.5	0.04	
				113.8B	0.01.5	0.04	
				113.9	0.01.0	0.02	
				113.10A	0.03.0	0.08	
				113.11	0.05.6	0.12	
				113.14	0.07.5	0.19	
				48.1	0.05.6	0.12	
				36.12	0.04.5	0.11	
				37.2A	0.02.0	0.05	
				35.2C	0.02.5	0.06	
				35.3	0.06.0	0.14	
				124.1	0.05.5	0.13	
				124.5	0.05.5	0.13	
				125.3B	0.04.0	0.10	
				125.4	0.06.0	0.14	
				128.1A	0.01.5	0.04	
128.1C	0.04.5	0.11					
128.3	0.11.0	0.27					
129.3	0.03.0	0.08					

1	2	3	4	5	6	7	8
Tamil Nadu	Nagai Quaid-E-Milleth	Tiruvarur	37	6.1	0.03.5	0.09	
			Venkateswara-puram	6.3	0.00.5	0.01	
				41.8	0.02.0	0.05	
				40.2	0.05.5	0.13	
				40.5A	0.03.5	0.09	
				40.5C	0.03.5	0.09	
				40.5D	0.04.5	0.11	
				40.5L	0.02.0	0.02	
				40.8A	0.03.5	0.09	
				40.8B	0.02.0	0.05	
				40.6	0.02.0	0.05	
				39.2A	0.07.5	0.18	
				39.2B1	0.02.0	0.05	
				39.2B2	0.02.5	0.06	
				39.3/3	0.06.5	0.16	
				39.4	0.07.0	0.17	
				38.2	0.01.5	0.04	
				38.4	0.02.5	0.06	
				38.5	0.03.0	0.07	
				38.6	0.06.5	1.16	
				38.7	0.12.0	0.30	
				35.3	0.04.0	0.10	
				35.4	0.08.0	0.20	
				35.5A	0.07.0	0.17	
				35.5B	0.07.5	0.18	
				56.2	0.02.0	0.05	
				55.3	0.04.0	0.10	
				55.7	0.01.0	0.02	
				54.2	0.03.0	0.08	
				54.3	0.03.5	0.09	
				54.4	0.04.0	0.10	
				54.5	0.06.0	0.15	
				53.2	0.11.0	0.27	
				53.5	0.07.0	0.17	
				53.6A	0.01.5	0.04	
				53.6B	0.01.5	0.04	
				53.10	0.01.0	0.02	
				52.2	0.02.0	0.05	
				52.4	0.03.0	0.07	
				52.5	0.03.0	0.08	
				52.7	0.01.5	0.04	
				52.8	0.01.5	0.04	
				58.8	0.00.5	0.01	
				51.1	0.08.0	0.20	
				51.2	0.10.0	0.25	
				51.3	0.01.0	0.02	
				88.1A	0.09.5	0.23	
				88.1B	0.00.5	0.01	
				88.4	0.01.0	0.02	
				88.5	0.05.0	0.12	
				88.6	0.04.0	0.10	
				88.7	0.08.0	0.20	
				88.8	0.01.0	0.02	
				88.9	0.04.5	0.11	
				92	0.06.0	0.15	
				91	0.03.0	0.07	

नई दिल्ली, 25 अक्टूबर, 1996

का.आ. 2374.—पैट्रोनियम और खनिज पॉईप लाईन (भूमि के उपयोग के अधिकार का अधिनियम 1962 (1962 का 50) की धारा-3 की उपधारा (1) के अधीन भारत सरकार पैट्रोनियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. 1516 तारीख 13-5-96 द्वारा भारत सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के अधिकार को पॉईप लाईन विधान के लिये अर्जित करने का अपना आग्रह घोषित किया था।

अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

तत्पश्चात् भारत सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अथ अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए भारत सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पॉईप लाईन विधान के प्रयोजन के लिये एतद्वारा अर्जित किया जाता है।

इस धारा की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार निर्देश देती है कि उक्त भूमियों में अधिकार भारत सरकार में निहित होने के बाज्य गैस अधॉपिटी ऑफ इंडिया लिमिटेड में सभी बाधाओं से मुक्त रूप से घोषणा के प्रकाशन की इस तारीख को निहित होगा।

## अनुसूची

पुतासन औ.जी.एम. मे विमल आग्रह

राज्य : गुजरात	ज़िला : मेहसाणा	तासुका : मेहसाणा		
गांव	क्रम सं. व्वाक नं.	क्षेत्र		
		हेक्टेयर	आर. सेन्टी आरे	
1	2	3	4	5
हड़वा	90	00	38	30
हनुमन्त	89	00	14	80
	रौड पुरकी	00	01	14
		00	54	24
मोभासन	101	00	07	03
	99	00	04	73
	98	00	07	67
	97	00	08	97
	87	00	05	70
	89	00	08	71
	91	00	08	36
	पुरकी रोड	00	02	90
	73	00	16	68
	74	00	00	28
	8	00	09	96
	7	00	00	50
	6	00	08	80
	9	00	12	35

1	2	3	4	5
मोभासन (आरे)	52	00	00	76
पुरकी रोड		00	01	20
	11	00	11	90
	14	00	09	35
	17	00	14	50
	21	00	02	92
रोड		00	02	34
457		00	14	75
543		00	12	35
रेलवे लाइन		00	02	34
खुला स्थान		00	03	51

01 78 56

450	00	12	50
448	00	06	12
447	00	05	28
446	00	05	75
445	00	05	50
438	00	10	92
पुरकी रोड	00	01	08
441	00	19	69
440	00	10	10

02 55 50

## हड़वा

101	00	01	89
104	00	05	90
102	00	01	48
103	00	06	93
106	00	11	92
292	00	00	07
107	00	12	06
108	00	12	71
123	00	07	80
109	00	07	46
122	00	08	29
121	00	09	47
156	00	03	30
157	00	07	58
रोड/पुरकी	00	00	65
158	00	06	72

01 05 33

## पुतासन

126	00	15	25
116	00	07	64
113	00	12	57
112	00	04	93
111	00	04	35

00 37 74

[सं. एन-14016/02/96-जी.पी.]

अर्धेन्द्र सेन, निदेशक

New Delhi, the 28th November, 1996

S.O. 3374—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas, S.O. No. 1516 dated 13-5-96 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines Acquisition of Right of User in land Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further where as the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from all encumbrances.

## SCHEDULE

Punasan G.G.S. to Vimal Oil

State : Gujarat		Dist. : Mehsana		Taluka : Mehsana	
Village	Sr. No. Block No.	Area			
		Hectare	Are	Centiare	
1	2	3	4	5	
Haduya	90	00	38	30	
Hanmant	89	00	14	80	
	Road Puiki	00	01	14	
		00	54	24	
Sobhasn	101	00	07	03	
	99	00	04	63	
	98	00	07	67	
	97	00	08	97	
	87	00	05	70	
	89	00	08	71	
	92	00	08	36	
	Road Puiki	00	02	90	
	73	00	16	68	
	74	00	00	28	
	8	00	09	96	
	7	00	00	50	
	6	00	08	80	
	9	00	12	35	
	52	00	00	76	
	Road Puiki	00	01	20	
	11	00	11	90	
	14	00	09	35	
	17	00	14	50	
	21	00	02	92	

1	2	3	4	5
Sobhasn (Contd.) Road		00	02	34
	457	00	14	75
	543	00	12	35
	Railway Nala	00	02	34
	Open Place	00	03	51
		01	78	56
	450	00	12	50
	448	00	06	12
	447	00	05	28
	446	00	05	75
	445	00	05	50
	438	00	10	92
	Road Puiki	00	01	08
	441	00	19	69
	440	00	10	10
		02	55	50
Hebuva		00	01	89
	104	00	05	90
	102	00	01	48
	103	00	06	93
	106	00	11	82
	292	00	00	07
	107	00	12	06
	108	00	12	71
	123	00	07	00
	109	00	07	46
	122	00	08	29
	121	00	09	47
	156	00	05	30
	157	00	07	58
	Road Puiki	00	00	65
	158	00	06	72
		01	05	33
Punasan		00	15	25
	116	00	00	64
	113	00	12	57
	112	00	04	93
	111	00	04	35
		00	37	74

[No.L-14016/02/96-GP]

ARDHENDU SEN, Director

स्वास्थ्य और परिवार कल्याण मंत्रालय

(आई.एस.एम.एण्ड एच विभाग)

(पी.एण्ड सी अनुभाग)

नई दिल्ली, 18 अक्टूबर, 1996

का.आ. 3375—केन्द्रीय सरकार, भारतीय चिकित्सा  
केन्द्रीय परिषद् अधिनियम, 1970 (1970 का 48) की



धारा 14 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय चिकित्सा केन्द्रीय परिषद से परामर्श करने के पश्चात् उक्त अधिनियम की द्वितीय अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात् :-

उक्त अनुसूची में,

(क) भाग-1 में, "केरल" शीर्षक के अन्तर्गत काली कट विश्वविद्यालय से संबंधित क्रम संख्यांक 43-क और उससे संबंधित प्रविष्टियों के पश्चात् निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात् :-

1	2	3	4
"43 ख महात्मा गांधी ग्रायुर्वेदाचार्य विश्वविद्यालय कोट्टयम	(बैचलर आफ मेडिसिन एण्ड सर्जरी)	बी.ए.एम. एस	1988 से 1996"

(ख) भाग 2 में "दिल्ली" शीर्षक के अन्तर्गत दिल्ली विश्वविद्यालय से संबंधित क्रम संख्यांक 7-क और उससे संबंधित प्रविष्टियों के पश्चात् निम्नलिखित अंतर्स्थापित किया जाएगा, अर्थात् :-

1	2	3	4
7-ख जामिया हमदद (ममकश विश्वविद्यालय) नई दिल्ली।	कामिल-ए-तिब-ए-जगरूट (बैचलर ऑफ यूनानी मेडिसिन एंड सर्जरी)	बी.यू.एम. एस.	1995 से 1996

[सं.वी. 26015/5/94-एई/पी एण्ड सी  
कंवल दास, अवर सचिव

नोट :- भारतीय चिकित्सा केन्द्रीय परिषद अधिनियम, 1970 (1970 का 48) की द्वितीय अनुसूची को तदनुसार संशोधित किया गया है।

- 1 का.आ.सं. 4068, दिनांक 30 नवम्बर, 1979
- 2 का.आ.सं. 2635, दिनांक 18 सितम्बर, 1980

3. का.आ.सं. 2323, दिनांक 20 अगस्त, 1981
4. का.आ.सं. 2314, दिनांक 22 अगस्त, 1981
5. का.आ.सं. 137, दिनांक 24 दिसम्बर, 1981
6. का.आ.सं. 638, दिनांक 25 जनवरी, 1982
7. का.आ.सं. 661, दिनांक 2 फरवरी, 1982
8. का.आ.सं. 973, दिनांक 20 फरवरी, 1982
9. का.आ.सं. 354 (ई), दिनांक 6 मई, 1983
10. का.आ.सं. 3550, दिनांक 5 सितम्बर, 1983
11. का.आ.सं. 804 (ई), दिनांक 11 नवम्बर, 1983
12. का.आ.सं. 162(ई) दिनांक 23 जून, 1984
13. का.आ.सं. 1911, दिनांक 17 अप्रैल, 1985
14. का.आ.सं. 2745, दिनांक 29 मई, 1985
15. का.आ.सं. 3404, दिनांक 5 जुलाई, 1985
16. का.आ.सं. 4057, दिनांक 14 अगस्त, 1985
17. का.आ.सं. 5603, दिनांक 2 दिसम्बर, 1985
18. का.आ.सं. 5671, दिनांक 5 दिसम्बर, 1985
19. का.आ.सं. 822, दिनांक 17-2-86 द्वारा प्रविष्ट
20. का.आ.सं. 1832, दिनांक 16-4-86 द्वारा प्रविष्ट
21. का.आ.सं. 627, दिनांक 2 फरवरी, 1987
22. का.आ.सं. 760, दिनांक 25 फरवरी, 1987
23. का.आ.सं. 1030, दिनांक 30 मार्च, 1987
24. का.आ.सं. 1946, दिनांक 9 जुलाई, 1987
25. का.आ.सं. 3186, दिनांक 30 अक्टूबर, 1987
26. का.आ.सं. 1697, दिनांक 15 अप्रैल, 1988
27. का.आ.सं. 1504, दिनांक 22 अप्रैल, 1988
28. का.आ.सं. 1040, दिनांक 6 अप्रैल, 1989
29. का.आ.सं. 1910, दिनांक 21 जुलाई, 1989
30. का.आ.सं. 2177, दिनांक 14 अगस्त, 1989
31. का.आ.सं. 2594, दिनांक 21 सितम्बर, 1989
32. का.आ.सं. 969, दिनांक 29 नवम्बर, 1989
33. का.आ.सं. 2552 दिनांक 22 अगस्त, 1990
34. का.आ.सं. 3246, दिनांक 31 अक्टूबर, 1990
35. का.आ.सं. 2669, दिनांक 29 अगस्त, 1991
36. का.आ.सं. 630, दिनांक 17 जनवरी, 1992
37. का.आ.सं. 1435, दिनांक 7 मई, 1992
38. का.आ.सं. 3110, दिनांक 11 अक्टूबर, 1994

## MINISTRY OF HEALTH & FAMILY WELFARE

(Department of ISM&H)

(P&C-Section)

New Delhi, the 18th October, 1996

S.O. 3375 .—In exercise of the powers conferred by sub-section (2) of section 14 of the Indian Medicine Central Council Act, 1970 (48 of 1970), the Central Government after consulting the Central Council of Indian Medicine hereby makes the following further amendments in the Second Schedule to the said Act, namely:—

In the said Schedule;

(a) in Part I, under the heading 'Kerala' after serial number 43-A relating to the University of Calicut and the entries relating thereto the following shall be inserted, namely: --

1.	2.	3.	4.
"43B Mahatma Gandhi University, Kottayam	Ayurvedacharya (Bachelor of Ayurvedic Medicine and Surgery)	BAMS	From 1988 to 1996"

(b) in Part II under the heading 'Delhi' after serial number 7A relating to Delhi University and the entries relating thereto the following shall be inserted, namely:—

1.	2.	3.	4.
"7B Jamia Hamdard (Deemed University) New Delhi.	Kamil-e-ub-c-Jarahat (Bachelor of Unani Medicine and Surgery)	BUMS	From 1995 to 1996

[No. V-26015/5/94-A.E./P&C]  
KANWAL DAS, Under Secy.

Note:—The Second Schedule to the Indian Medicine Central Council Act, 1970 (48 of 1970) has been subsequently amended vide:—

1. S.O. No. 4068, dated the 30th November, 1979
2. S.O. No. 2635, dated the 18th September, 1980
3. S.O. No. 2323, dated the 20th August, 1981
4. S.O. No. 2314, dated the 22nd August, 1981
5. S.O. No. 137, dated the 24th December, 1981
6. S.O. No. 638, dated the 25th January, 1982
7. S.O. No. 661, dated the 2nd February, 1982
8. S.O. No. 973, dated the 20th February, 1982
9. S.O. No. 354(E) dated the 6th May, 1983
10. S.O. No. 3550, dated the 5th September, 1983
11. S.O. No. 804(E), dated the 11th November, 1983
12. S.O. No. 462(E), dated the 23rd June, 1984
13. S.O. No. 1911, dated the 17th April, 1985
14. S.O. No. 2745, dated the 29th May, 1985
15. S.O. No. 3404, dated the 5th July, 1985
16. S.O. No. 4057, dated the 14th August, 1985
17. S.O. No. 5603, dated the 2nd December, 1985
18. S.O. No. 5671, dated the 5th December, 1985
19. Inserted by S.O. No. 822, dated 17-2-86
20. Inserted by S.O. No. 1832, dated 16-4-86
21. S.O. No. 627, dated the 2nd February, 1987
22. S.O. No. 760, dated the 25th February, 1987
23. S.O. No. 1030, dated the 30th March, 1987
24. S.O. No. 1946, dated the 9th July, 1987.
25. S.O. No. 3186, dated the 30th October, 1987
26. S.O. No. 1697, dated the 15th April, 1988
27. S.O. No. 1504, dated the 22nd April 1988
28. S.O. No. 1040, dated the 6th April, 1989
29. S.O. No. 1910, dated the 21st July, 1989
30. S.O. No. 2177, dated the 14th August, 1989
31. S.O. No. 2594 dated the 21st September, 1989
32. S.O. No. 969, dated the 29th November, 1989
33. S.O. No. 2552, dated the 22nd August, 1990
34. S.O. No. 3246, dated the 31st October, 1990
35. S.O. No. 2669, dated the 29th August, 1991
36. S.O. No. 630, dated the 17th January, 1992
37. S.O. No. 1435, dated the 7th May, 1992
38. S.O. No. 3110 dated the 11th October, 1994

## सूचना और प्रसारण मंत्रालय

नई दिल्ली, 7 नवम्बर, 1996

का.आ. 3376:—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में आकाशवाणी महा-निदेशालय (सूचना और प्रसारण मंत्रालय) के निम्नलिखित अधीनस्थ कार्यालय को जिनके 80% से अधिक कर्मचारी-वृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधि-सूचित करती है :—

- 1 सिविल निर्माण स्कध, आकाशवाणी, पटना ।
- 2 आकाशवाणी, बरेली ।
- 3 आकाशवाणी, अल्मोड़ा ।
- 4 आकाशवाणी, भालावाड़ ।
- 5 आकाशवाणी, बीड़ ।
- 6 आकाशवाणी, सूरत ।
- 7 आकाशवाणी, सवाई माधोपुर ।
- 8 आकाशवाणी, चुरू ।

[संख्या ई-11011/1/93-हिन्दी]

एस.एस. कटारिया, निदेशक (रा.भा.)

## MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 7th November, 1996

S.O. 3376.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (use for official purpose of the Union) Rules, 1976, the Central Government hereby notify the following Offices of the Directorate General : All India Radio (Ministry of Information & Broadcasting), the staff whereof more than 80 per cent have acquired the working knowledge of Hindi :—

1. Civil Construction Wing, All India Radio, Patna.
2. All India Radio, Bareilly.
3. All India Radio, Almora.
4. All India Radio, Jhalawar.
5. All India Radio, Beed.
6. All India Radio, Surat.
7. All India Radio, Sawai Madhopur.
8. All India Radio, Churu.

[No. E-11011/1/93-Hindi]

S. S. KATARIA, Director (OL)

## श्रम मंत्रालय

नई दिल्ली, 12 नवम्बर, 1996

का. आ. 3377—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में

केन्द्रीय सरकार, दूरसंचार, पटना के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद कंपंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 12-11-96 का प्राप्त हुआ था।

सं. एल.-40012/272/91-आई आर (डी यू.)

के. वी. बी. उर्णा, डेस्क अधिकारी

## MINISTRY OF LABOUR

New Delhi, the 12th November, 1996

S.O.3377.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Dhanbad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Telecom. Deptt., Patna and their workman, which was received by the Central Government on 12th November, 1996.

[No. L-40012/272/91-IR(DU)]

K. V. B. UNNY, Desk Officer

## ANNEXURE

## BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 109 of 1992

## PARTIES :

Employers in relation to the management of Telecom Department, Patna.

## AND

Their Workmen.

## PRESENT :

Shri Tarkeshwar Prasad, Presiding Officer.

## APPEARANCES :

For the Employers—None.

For the Workman—Shri Chaturmand Mehta, Concerned Workman.

STATE : Bihar.

INDUSTRY : Postal.

Dated, the 1st November, 1996

## AWARD

By Order No. L-40012/272/91-IR.(D.U.) dated 30th September, 1992 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the Telecom management in terminating the services of Shri Chaturmand Mehta is legal & justified? If not, to what relief the workman is entitled to?"

2. The present reference case relates to Telecommunication Department. But in view of the decision of the Hon'ble Supreme Court reported in 1996 Lab. IC 1059 between Shri Divisional Inspector of Post, Vakam and others Vs. Theyyam Joseph etc. where it has been held that the Postal and Telecommunication Department is not Industry, this reference is not maintainable under the Industrial Disputes Act, 1947, with option to the workman to file the case before appropriate forum, if he so likes.

3. Accordingly, I dispose of the present reference case as not maintainable under the Industrial Disputes Act, 1947.

TARKESHWAR PRASAD, Presiding Officer

नई दिल्ली, 12 नवम्बर, 1996

का. आ. 3378 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, टैलीकॉम विभाग, मदुराई के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मदुरास के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 12-11-96 को प्राप्त हुआ था।

[संख्या एल-40012/194/94-आई आर (डी यू)]  
के. वी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 12th November, 1996

S.O. 3378.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Telecom. Department, Madurai and their workman, which was received by the Central Government on 12th November, 1996.

[No. L-40012/194/94-IR(DU)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU,  
MADRAS

Wednesday, the 18th day of September, 1996

PRESENT :

Thiru S. Thangaraj, B.Sc., L.L.B., Industrial Tribunal  
Industrial Dispute No. 8 of 1996

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Telecom. Department,

MADURAI)

BETWEEN

Shri Krishnan,  
C/o P. Suruliandavar  
Asst. District Secretary,  
NFTE B4, LS & Cl. IV, Madurai Telecom Dt. and  
TDA, Office of the General Manager,  
Telecom. Madurai-625 002.

AND

The General Manager,  
Telecom Department,  
Madurai-625 002.

#### REFERENCE

Order No. L-40012/194/94-IR(DU), dated 27th/28th  
December, 1995, Ministry of Labour, Government of  
India, New Delhi.

This dispute coming on this day for final disposal in the presence of Selvi C. K. Vishnupriya, Addl. Central Government Standing Counsel appearing for the management upon perusing the reference and other connected papers on record and the workmen being absent, this Tribunal passed the following award.

#### AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the management of Telecom. Department, Madurai is justified in terminating the services of Shri K. Krishnan, w.e.f. 22nd August, 1986 ? If not, to what relief the workman is entitled ?"

Petitioner called absent. No representation till 3.00 p.m.  
Industrial Dispute dismissed for default. No costs.  
Dated, this the 18th day of September, 1996.

S. THANGARAJ, Industrial Tribunal

नई दिल्ली, 12 नवम्बर, 1996

का. आ. 3379:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग, मदुरास के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मदुरास के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 12-11-96 को प्राप्त हुआ था।

[सं. एल-40012/187/94-आई आर (डी यू)]  
के. वी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 12th November, 1996

S.O. 3379.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Chennai as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of D/O Post, and their workman, which was received by the Central Government on 12th November, 1996.

[No. L-40012/187/94-IR(DU)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU,  
MADRAS

Friday, the 27th day of September, 1996

PRESENT :

Thiru S. Thangaraj, B.Sc., I.L.B., Industrial Tribunal.  
Industrial Dispute No. 10/1996

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Senior Superintendent, Madras)

BETWEEN

Shri M. Kaiser Sheriff.  
Vallur, Walaza Majid,  
518, Athipet Village.  
Ponneri Tkx, Chengai MGR Dt

AND

The Sr. Superintendent,  
D/o. Post, Madras Sorting Division  
Madras-600 008.

## REFERENCE :

Order No. L-40012/187/94-IR(DU), dated 27th/28th December, 1995, Ministry of Labour, Government of India, New Delhi.

This dispute coming on this day for final disposal in the presence of Thiru S. Seshadri, Central Government Pleader appearing for the management, upon perusing the reference and other connected papers on record and workman being absent, this Tribunal passed the following Award.

## AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the Sr. Superintendent, Madras Sorting Division, in terminating the services of Shri M. Kasier Sheriff, from 27th May, 1982 is justified ? If not, to what relief he is entitled ?"

Petitioner called absent. No representation. Claim statement not filed. I.D. dismissed for default.

Dated, this the 27th day of September, 1996.

S. THANGARAJ, Industrial Tribunal

नई दिल्ली 12 नवम्बर 1996

का. आ. 3380:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक-तार के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकार धनबाद के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 12-11-96 को प्राप्त हुआ था।

सं. एल—40012/165/96—आई आर ( डी यू )  
के. वी. बी. उण्णी, डेस्क अधिकारी

New Dehi, the 12th November, 1996

S.O. 3380.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of P&T and their workman, which was received by the Central Government on 12-11-1996.

[No. L-40012/165/96-IR (DU)]

K. V. B. UNNY, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 61 of 1996

## PARTIES :

Employers in relation to the management of P&T,

AND

Their Workmen.

## PRESENT :

Shri Tarkeshwar Prasad, Presiding Officer,

## APPEARANCES :

For the Employers—None.

For the Workmen—Shri Saligram Thakur, Concerned workman.

STATE : Bihar

INDUSTRY : Postal

Dated, the 4th November, 1996

## AWARD

By Order No. L-40012/165/96-IR (DU) dated 30-8-96 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of P&T in terminating the services of Shri Saligram Thakur is justified ? If not, to what relief the workman is entitled to ?"

2. The present reference case relates to Postal Department. But in view of the decision of the Hon'ble Supreme Court reported in 1996 Lab. I.C. 1059 between Sub-Divisional Inspector of Post, Vaikam and others Vs. Theyyam Joseph etc, where it has been held that the Postal and Telecommunication Department is not Industry, this reference is not maintainable under the Industrial Disputes Act, 1947, with option to the workman to file the case before appropriate forum, if he so likes.

3. Accordingly, I dispose of the case as not maintainable under the Industrial Disputes Act, 1947.

TARKESHWAR PRASAD, Presiding Officer

नई दिल्ली 12 नवम्बर 1996

का. आ. 3381:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक-तार के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण धनबाद के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 12-11-96 को प्राप्त हुआ था।

सं. एल—40012/164/95-आई आर ( डी यू )  
के. वी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 12th November, 1996

S.O. 3381.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Dhanbad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of P&T and their workman, which was received by the Central Government on 12-11-96.

[No. L-40012/164/95-IR(DU)]

K. V. B. UNNY, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 62 of 1996

**PARTIES :**

Employers in relation to the management of P&T.

**AND**

Their Workmen.

**PRESENT :**

Shri Tarkeshwar Prasad, Presiding Officer.

**APPEARANCES :**

For the Employers : None.

For the Workmen : Shri Bishambher Shah, Concerned workman.

STATE : Bihar.

INDUSTRY : Postal.

Dated, the 4th November, 1996

**AWARD**

By Order No. L-40012/164/95-IR(DU) dated 30-8-1996 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of P&T in terminating the services of Shri Bishambher Shah is justified? If not, to what relief the workman is entitled to?"

2. The present reference case relates to Postal Department. But in view of the decision of the Hon'ble Supreme Court reported in 1996 Lab. I.C. 1059 between Sub-Divisional Inspector of Post, Vaikam and others Vs. Theyyam Joseph etc. where it has been held that the Postal and Telecommunication Department is not Industry, this reference is not maintainable under the Industrial Disputes Act, 1947, with option to the workman to file the case before appropriate forum, if he so likes.

3. Accordingly, I dispose of the case as not maintainable under the Industrial Disputes Act, 1947.

TARKESHWAR PRASAD, Presiding Officer

नई दिल्ली, 12 नवम्बर, 1996

का०आ० 3382 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार द्वारा, कटियाह के प्रबन्ध तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-11-96 को प्राप्त हुआ था।

[सं० एन-40012/161/93-आई० आर० (डी यू)]

के०वी०बी० उ०णी, डेस्क अधिकारी

New Delhi, the 12th November, 1996

S.O. 3382.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Dhanbad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Telecom, Katihar and their workman, which was received by the Central Government on 12-11-96.

[No. L-40012/161/93-IR(DU)]

K. V. B. UNNY, Desk Officer

**ANNEXURE**

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 10 of 1995

**PARTIES :**

Employers in relation to the Telecom Division, Katihar

**AND**

Their Workman.

**PRESENT :**

Shri Tarkeshwar Prasad, Presiding Officer.

**APPEARANCES :**

For the Employers : Shri B. M. Prasad, Advocate.

For the Workmen : Shri S. C. Gour, Advocate.

STATE : Bihar.

INDUSTRY : Telecom.

Dated, the 4th November, 1996

**AWARD**

By Order No. L-40012/161/93-I.R. (DU) dated 28-12-94 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management, Divisional Engineer, Microwave, Katihar in violating the legal provisions in regard to Sri Satya Narayan Thakur in terminating him from service and not taking him back is justified? If not, to what relief the concerned workman is entitled to?"

2. The present reference case relates to Telecommunication Department. But in view of the decision of the Hon'ble Supreme Court reported in 1996 Lab. I.C. 1059 between Sub-Divisional Inspector of Post, Vaikam and others Vs. Theyyam Joseph etc. where it has been held that the Postal and Telecommunication Department is not Industry, this reference is not maintainable under the Industrial Disputes Act, 1947, with option to the workman to file the case before appropriate forum, if he so likes.

3. Accordingly, I dispose of the present reference case as not maintainable under the Industrial Disputes Act, 1947.

TARKESHWAR PRASAD, Presiding Officer

नई दिल्ली, 12 नवम्बर, 1996

का०आ० 3383 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक, विभाग के प्रबन्ध तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-11-96 को प्राप्त हुआ था।

[सं० एन-40012/138/95-आई० आर० (डी यू)]

के०वी०बी० उ०णी, डेस्क अधिकारी

New Delhi, the 12th November, 1996

S.O. 3383.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Dhanbad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Post, Sakraichi Branch and their workman, which was received by the Central Government on 12-11-96.

[No. L-40012/138/95-IR(DU)]

K. V. B. UNNY, Desk Officer

## ANNEXURE

## BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under Sec. 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 60 of 1996

## PARTIES :

Employers in relation to the management of Post, Sakraicha Branch Post Office.

## AND

Their Workmen.

## PRESENT :

Shri Tarkeshwar Prasad, Presiding Officer.

## APPEARANCES :

For the Employers : None.

For the Workmen : Shri D. K. Verma, Advocate.

STATE : Bihar

INDUSTRY : Postal

Dated, the 5th November, 1996

## AWARD

By Order No. L-40012/138/95-IR(DU) dated 30-8-1996 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Post, Sakraicha Branch Post Office is justified in terminating the services of Smt. Dharamshila Sinha? If not, to what relief the workman is entitled to?"

2. The dispute relates to Postal Department. But in view of the decision of the Hon'ble Supreme Court reported in 1996 Lab. I.C. 1059 between Sub-Divisional Inspector of Post, Vaikam and others VS Theyyam Joseph etc. where it has been held that the Postal and Telecommunication Department is not Industry, this reference is not maintainable under the Industrial Disputes Act, 1947, with option to the workman to file the case before appropriate forum, if he so likes.

3. Accordingly, I dispose of the present reference case as not maintainable under the Industrial Disputes Act, 1947.

TARKESHWAR PRASAD, Presiding Officer

नई दिल्ली, 12 नवम्बर, 1996

का०आ० 3384 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत में, केन्द्रीय सरकार डाक विभाग के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अन्तर्गत में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद

के पंचाट को प्रकाशित करना है, जो केन्द्रीय सरकार की 12-11-96 को प्राप्त हुआ था।

[स० एल-40012/133/95-आई०आर (डी यू)]

के०वी०बी० उण्णी, डेस्क अधिकारी

New Delhi, the 12th November, 1996

S.O. 3384.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Dhanbad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of P&T and their workman, which was received by the Central Government on 12-11-96.

[No. L-40012/133/95-IR(DU)]

K. V. B. UNNY, Desk Officer

## ANNEXURE

## BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 59 of 1996

## Parties :

Employers in relation to the management of P&amp;T.

## AND

Their Workmen

## PRESENT :

Shri Tarkeshwar Prasad, Presiding Officer.

## APPEARANCES :

For the Employers : None.

For the Workmen : Shri K. Chakravorty, Advocate.

STATE : Bihar

INDUSTRY : Postal

Dated, the 5th November, 1996

## AWARD

By Order No. L-40012/133/95-I. R. (DU) dated 30-8-96 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of P&T management in terminating the services of Shri Bachcha Babu Singh is justified? If not, to what relief the workman is entitled to?"

2. The present reference relates to Postal Department. But in view of the decision of the Hon'ble Supreme Court reported in 1966 Lab. I. C. 1059 between Sub-Divisional Inspector of Post, Vaikam and others VS. Theyyam Joseph etc. where it has been held that the Postal and Telecommunication Department is not Industry, this reference is not maintainable under the Industrial Disputes Act, 1947, with option to the workman to file the case before appropriate forum, if he so likes.

3. Accordingly, I dispose of the present reference case as not maintainable under the I.D. Act, 1947.

TARKESHWAR PRASAD, Presiding Officer

नई दिल्ली, 14 नवम्बर, 1996

का०आ० 3385 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार, अहमदाबाद के प्रबन्धन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, अहमदाबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-11-96 को प्राप्त हुआ था।

[मं० एल-40011/15/95-आई०आर(डी यू)]

के०वी०बी० उण्णी, डेस्क अधिकारी

New Delhi, the 14th November, 1996

S.O. 3385.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Ahmedabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Telecom and their workman, which was received by the Central Government on 14-11-96.

[No. L-40011/15/95-IR(DU)]

K. V. B. UNNY, Desk Officer

## ANNEXURE

BEFORE SMT. N. J. SHELAT, PRESIDING OFFICER  
INDUSTRIAL TRIBUNAL CENTRAL, AHMEDABAD

Reference (ITC) No. 15 of 1996

## ADJUDICATION

## BETWEEN

Ahmedabad Telecom

Khanpur, Ahmedabad

.. First party

## AND

The Workmen employed under it .. Second party

In the matter of termination of services of Shri Vajay V. Pattani.

## APPEARANCES :

None for the first party &amp; second party.

## AWARD

By an Order No. L-40011/15/95-IR(DU) dtd. 24-4-96, the Desk Officer, Ministry of Labour, Govt. of India, New Delhi has referred an industrial dispute as stated in the Schedule of above order between the above parties u/s. 10(1) of the I.D. Act, 1947, for adjudication to this Tribunal.

Notices were issued to both the above parties directing them to remain present before this Tribunal. But, none of the above parties remained present on any dates fixed for hearing nor they filed statement of claim or any other documents till this day. From this, it is quite clear that the above parties are not interested to proceed with this reference and hence I pass the following order :—

## ORDER

The reference is dismissed for non-prosecution and it is disposed off accordingly with no order as to costs.

SECRETARY

Ahmedabad. 28th October, 1996.

SMT. N. J. SHELAT, Presiding Officer

नई दिल्ली, 14 नवम्बर, 1996

का०आ० 3386 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार, अहमदाबाद के प्रबन्धन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, गुजरात के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-11-96 को प्राप्त हुआ था।

[मं० एल-40011/14/95-आई०आर(डी यू)]

के०वी०बी० उण्णी, डेस्क अधिकारी

New Delhi, the 14th November, 1996

S.O. 3386.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Gujarat as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom and their workman, which was received by the Central Government on 14-11-1996.

[No. L-40011/14/95-IR(DU)]

K. V. B. UNNY, Desk Officer

## ANNEXURE

BEFORE SMT. N. J. SHELAT, PRESIDING OFFICER,  
INDUSTRIAL TRIBUNAL CENTRAL, AHMEDABAD

Reference (ITC) No. 14 of 1996

## ADJUDICATION

## BETWEEN

Ahmedabad Telecom, Ahmedabad

..First Party

## AND

The Workmen employed under it.

..Second Party.

In the matter of termination of services of Shri Vinaybabu Punjabhai Vaghela.

## APPEARANCES :

None for the first party and second party.

## AWARD

By an Order No. L-40011/14/95-IR(DU) dated 24-4-86, the Desk Officer, Ministry of Labour, Government of India New Delhi has referred an industrial dispute as stated in the Schedule of above order between the above parties u/s. 10(1) of the I.D. Act, 1947, for adjudication to this Tribunal.

Notices were issued to both the above parties directing them to remain present before this Tribunal. But, none of the above parties remained present on any dates fixed for hearing nor they filed statement of claim or any other documents till this day. From this, it is quite clear that the above parties are not interested to proceed with his reference and hence I pass the following order :—

## ORDER

The reference is dismissed for non-prosecution and it is disposed off accordingly with no order as to costs.

Ahmedabad 28th October, 1996.

SMT. N. J. SHELAT, Presiding Officer

नई दिल्ली, 15 नवम्बर, 1996

का०आ० 3387 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्वास्थ्य योजना के प्रबन्धन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक



विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंबई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-11-96 को प्राप्त हुआ था।

[सं० एन-42012/13/92-आई०आर (बी यू)]

के०वी०बी० उष्णी, डैस्क अधिकारी

New Delhi, the 15th November, 1996

S.O. 3387.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bombay as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of C.G.H.S. and their workman, which was received by the Central Government on 15-11-96.

[No. L-42012/13/92-IR(DU)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

#### PRESENT:

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/18 of 1995

Employers in relation to the Management of C.G.H.S.

#### AND

Their Workmen.

#### APPEARANCES:

For the Management: S/Shri A. B. Chaudhari & N. A. Deshmukh, Advocates.

For the Workmen: S/Shri B. M. Khan and Prabhakar Bhure, Advocates.

Mumbai, dated 22nd October, 1996

#### AWARD

The Government of India, Ministry of Labour by its order No. L-42012/13/92-IR(DU), dated 21/26-7-95 had referred to the following Dispute for adjudication:

"Whether the action of the management of CGHS, Nagpur in terminating the service of Shri Gajanan Bisanji Vaidya is legal and justified? If not, to what relief the workmen is entitled to?"

2. Gajanan Bisanji Vaidya filed a statement of claim at Exhibit-4. He contended that he was called for interview for the post of waterman/class-IV cadre by the Chief Medical Officer, Central Government Health Scheme, CPWD, Nagpur on 6-4-98. The letter was dated 23-3-88. After the interview he was appointed as a water boy w.e.f. 1-5-88 and 30-9-88. It was on daily wages. Thereafter he was again appointed on the same post w.e.f. 17-4-89 and continued upto 30-9-89. Thereafter again he was appointed on the same post from 1-5-90 till 28-9-90.

3. The workman contended that even though he was designated as a water man he was assigned with the work and duties of taking signatures of the employees, cleaning hospitals and closing down the hospital to wash the instruments to supply medicine and other miscellaneous work in addition to the work of waterman. It is asserted that the work which was carried out by the workman was available at all time. He was appointed as the waterman with an intention to deprive him from the status and privileges of permanent employees. It is asserted that the management had employed Clause-IV service during the aforesaid period discriminating the applicant.

2903 GI/96-5.

4. On 7-11-90 when the worker was discontinued he approached the labour officer and in the intervention of the Assistant Labour Commissioner a settlement was reached on 3-5-91. It is asserted that the stand taken before the conciliation officer by the management was that the regular appointment is being made for want of sanction from the competent authority. A settlement was reached with a view that after getting the sanction he will get a regular employment. It is averred that in spite of availability of four posts Class-IV cadre the worker was not called on duty as per the settlement. Therefore the worker is constrained to approach the court again. Thereafter the employers specifically informed that he is not in a position to give an employment to the worker. The worker also approached the Central Administrative Tribunal for the relief. In the pendency of the application before the Central Administrative Tribunal the worker was given an employment on 18-4-94. The applicant joined the same. After two months his services were discontinued. Then again he approached the Assistant Labour Commissioner. There it was reported by the management that no efforts were taken by them to get the sanction of the post of water man from the competent authority. That clearly speaks that the management did not comply with the settlement dated 3-5-91.

5. The worker pleaded that he was illegally discontinued from the employment and was appointed on temporary basis with an intention to deprive him for getting the status of a permanent employee. For all these circumstances it is submitted that the management may be directed to reinstate him with continuity and back wages.

6. The management resisted the claim by the written statement Exhibit-5. It is averred that the worker was appointed as a casual labourer for seasonal work only. After the completion of the work he was discontinued. It is submitted that the claim which is made by the worker is without any basis. It is averred that there is no question of denial of opportunity to the worker as he was never suspended by employment exchange for considering other posts. It is averred that the worker never completed 240 days in a year to get the employment as alleged. It is submitted that under such circumstances the reference may be answered in favour of the management.

7. The worker filed rejoinder at Exhibit-6 and reiterated the contention taken by him in the statement of claim. He further pleaded that his juniors were appointed in Class-IV service and he was not given an opportunity.

8. The management again filed a rejoinder to the rejoinder of the worker at Exhibit-8. It also reiterated its stand.

9. The points that fall for my consideration and my findings thereon are as follows:

Issues	Findings.
1. Whether the action of the management of CGHS, Nagpur in terminating the service of Shri Gajanan Bisanji Vaidya is legal and justified?	Action is justified.
2. If not, what relief the workman is entitled to?	Does not survive.

#### REASONS

10. Gajanan Vaidya (Exhibit-12) the worker affirms that he was called for interview by the management and was appointed as a water man on daily basis for a time bound period after which his services were terminated. The period he worked was between 2-5-88 to 30-9-88, 17-4-89 to 30-9-89 to 2-5-90 to 28-5-90. This is accepted by Das, the Administrative Officer (Exhibit-17). It is not in dispute in Nagpur city and elsewhere in the Central and State Government Offices hundreds of casual labourers are engaged during summer season for filling desert coolers with water and sprinkling of water on Khas Tatties. It is a seasonal work and last till the summer season is over. These casual labourers are engaged amongst those sponsored by employment exchange and are paid wages as decided by local authorities such as collector or commissioner of Nagpur. These labourers do not work against any sanctioned post in Group 'D' cadre for no such posts exists in any of the offices.

11. The worker affirmed that they did the work of water man and also other work such as cleaning of the hospital, closing down the hospital cleaning of the instrument, supply of medicines, such as other regular Class-IV servants work. This is denied by the management witness.

12. Vaidya had referred to the earlier litigation before the Labour Commissioner and Administrative Tribunal. Infact for deciding this reference it is not at all necessary to discuss it. What is to be seen whether his termination is illegal? From the testimony of Vaidya the worker it is very clear that he was appointed for a particular period for a seasonal work as a water man. If this is so his appointment is clearly only for season and after the completion of the season is over he is terminated. There nothing illegal in it. It is well settled that the employees who are employed for a seasonal work cannot get right to get the employment on a regular basis in the department. It is rightly argued on behalf of the management that there is no post of water man in class-'D' cadre. There is no sanction today. Further more there are rules for employment in respect of Class-'D' cadre. The employment exchange is informed of the requirements. Then the employment exchange sponsors the names of the eligible candidate for the concerned posts. Then after due interview the eligible candidates are selected. Here in this case the worker was sponsored by the employment exchange for the work of water man which is of a seasonal nature. After doing the work the workman cannot claim any right for getting absorption on a regular basis in Class-'D' cadre. His claim is misconceived.

13. The worker relied upon the settlement dated 3-5-91 (Document-2) filed alongwith the statement of claim. This settlement too place before the Assistant Labour Commissioner between the management and the worker. In this settlement it is mentioned that the management had no objection and re-employment is a water man on receipt of the sanction from the competent authority. After going through the settlement it cannot be said that the management agreed to give an employment to the worker on a regular basis in Class-'D' group. Infact if the management did so, that will the violation of established rules for an employment. Infact that is exactly what is stated in the settlement dated 3-5-91. They offered to appoint the worker as a water man which they did as per the admission of the worker in his cross-examination. He was appointed in the year 1993 or two months. So also in 1994. That can be said to a compliance of the settlement dated 3-5-91.

14. Mr. Bhure the Learned Advocate for the worker placed reliance on different authorities to substantiate his contention. But none of the authorities had application to the present set of facts. These authorities do not say that the person who was appointed as a seasonal casual labour has to be absorbed as a regular employee. While saying so I repeat it again that there is no evidence for coming to the conclusion that even though the worker was appointed as a waterman he was asked to do the work of a regular nature and he did so. Infact looking to this organisation there was no need for such a organisation to get the work done from a casual worker. They could very well appoint a regular employees as per the sanction. It is not the case that the work is more which cannot be coped up with the regular employees and therefore it is coped upon by the casual labourer. Again it can be seen that the present worker was appointed only for seasonal work that is for two to three months. Under such circumstances it cannot be accepted that in that period he was doing the work of a regular nature.

15. The Learned Advocate for the worker placed reliance on Oriental Bank of Commerce V/s. Presiding Officers Central Government Industrial Tribunal 1994(I) I.L.J 1994. In that case Their Lordships discussed the provisions of sections 25G and (H) of the Industrial Disputes Act. It has no application to the set of facts.

16. He also relied upon the case of Abdul Rehman V/s. Divisional Superintendent Southern Railway 1981 I.A.R IC 217. That was a case where in his Lordships considered the question of retrenchment and rule of last come first go. It appears that the Learned Advocate for the worker wants to rely on this authorities contending that the management had employed three to four persons in Group 'D' and the

worker was not given the opportunity. It is submitted on behalf of the management that he was never sponsor by the employment exchange for the post of Group 'D'. As this is so this authority has not application.

17. The Learned Advocate also placed reliance on Bangalore Water Works 1978 LAB IC 467. Again that authority has no application so far as the appointment of the worker in regular cadre is concerned. It appears that he relied on the authority for holding that the health department of the Municipality is an Industry. Infact there is no serious dispute over this proposition under such circumstances I record my findings on the issues accordingly and pass the following order:

#### ORDER

The action of the management of CGHS, Nagpur in terminating the services of Shri Gajanan Bisanji, Vaidya is legal and justified.

S. B. PANSE, Presiding Officer

नई दिल्ली, 5 नवम्बर, 1996

का०आ० 3388 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ०स०आई० के प्रबन्धनत्व के संबद्ध नियोक्कों और उनके कर्मकारों के बीच, अनुबंध में निहित औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-11-96 को प्राप्त हुआ था।

[संख्या एल-22012/479/91-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 5th November, 1996

S.O. 3388.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal New Delhi as shown in the Annexure in the industrial dispute between the employers in relation to the management of F.C.I. and their workmen, which was received by the Central Government on the 1-11-96.

[No. L-22012/479/91-IR (C-II)]

RAJA LAL, Desk Officer

#### ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL

TRIBUNAL, NEW DELHI

I.D. No. 59/92

In the matter of dispute between:

Shri R. P. Sharma, through

General Secretary, FCI,

Executive Employees Union (NZ)

Versus

The Zonal Manager(N)

Food Corporation of India,

Zonal Office (North) K. G.Marg,

Ansai Bhawan, New Delhi-1.

**APPEARANCES:**

Shri R. P. Sharma in person.

Shri K. C. Pokhriwal—for the Management.

**AWARD**

The Central Government in the Ministry of Labour vide its Order No. L-22012/479/91-I.R. (C-II) dated 2-7-92 has referred the following industrial dispute to this Tribunal for adjudication:

“Whether the actoin of the management of Food Corporation of India in not promoting the workman Shri R. P. Sharma as Steno Gr. II is justified? If not to what relief the workman is entitled to ?”

2. The Management evidence was completed and the case was fixed for the workman's cross-examination when both the parties sought an adjournment for settlement of the dispute. Joint application was filed by the parties and they also made statement in the court stating that the matter has since been settled between the parties and a No dispute award may be passed in this case. The application was signed by the workman and the management representatives. In view of this situation no dispute award is passed in this case and parties are left to bear their own costs.

1st October, 1996.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 5 नवम्बर, 1996

कां० 3389.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई०सी०एल० के प्रबन्धतन्त्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-11-96 को प्राप्त हुआ था।

[संख्या एल०-22012/35-93-आई०आर० (सी०-II)]

राजा लाल, डैस्क अधिकारी

New Delhi, the 5th November, 1996

S.O. 3389.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Asansol as shown in the Annexure in the industrial dispute between the employers in relation to the management of

E.C. Ltd. and their workmen, which was received by the Central Government on the 1-11-96.

[No. L-22012/35/93-IR(C-II)]

RAJA LAL, Desk Officer

**ANNEXURE**

BEFORE THE CENTRAL GOVT. INDUSTRIAL

TRIBUNAL, ASANSOL

Reference No. 22 of 1993

PRESENT :

Shri R. S. Mishra, Presiding Officer.

PARTIES :

Employers in relation to the management of Nakrakenda Colliery of M/s. E.C. Ltd.,

AND

Their Workmen

APPEARANCES:

For the Employers—None.

For the Workmen—None.

INDUSTRY : Coal STATE : West Bengal.

Dated the 10th October, 1996

**AWARD**

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/35/93-IR-(C. II) dated 20-5-93.

“Whether the action of the management of N. K. Projcet under Jhanjra Area of M/s. Eastern Coalfields Ltd., in not allowing the benefit of protection of last wages drawn by the following workmen while fixing their wages in time rated categories is justified? If not to what relief the workmen are entitled to? 1. Habib Mia, 2. Md. Nayum, 3. Kurban Mia No. 2 4. Jalim Mia, 5. Gulab Mia, 6. Nur Mohammad, 7. Basir Mia, 8. Badrudin, 9. Jamal Mia, 10. Chote Rasid, 11. Kurban Mia No. 1. 12. Yusuf Mia, 13. Sk. Samsuddin, 14. Sk. Mustakin, 15. Jalaluddin Mia, 16. Bhim Patro, 17. Chatulall Bhuia.”

2. To-day (10-10-96) it appears from record that Sri S. D. Pandey, President of the union has sent a petition stating that the dispute has been amicably settled between the parties out of Court and the union is no more interested to contest the dispute.

3. In the circumstances I have no other alternative but to pass a no-dispute award in this case and accordingly a 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 7 नवम्बर, 1996

का०आ० 3390.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबन्धतन्त्र के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, विशाखापटनम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-11-96 को प्राप्त हुआ था।

[एल०-34012/4/91-आई०आर० (विविध)]

बी० एम० डेविड, डेस्क अधिकारी

New Delhi, the 7th November, 1996

S.O. 3390.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal Visakhapatnam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Visakhapatnam Port Trust and their workman, which was received by the Central Government on the 5-11-96.

[L-34012/4/96-IR(Misc)]

B. M. DAVID, Desk Officer

## ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT VISAKHAPATNAM

## PRESENT :

Smt. G. Jaishree, B.Sc., LL.B., Chairman and President Officer.

Wednesday, the 9th day of October, 1996

I.T. I.D. No. 15/92 (Central)

## BETWEEN :

Sri D. S. N. Rao,

Indira Colony,

Sriharipuram,

Visakhapatnam.

.. Workman.

## AND :

Commander Works Engineer,

Project-9, IRSD Area,

Kancharapalam Post,

Visakhapatnam-8.

.. Management.

This dispute coming on for hearing before me in the presence of the workman and Government Pleader for management, but in the meanwhile the workman called absent, the court passed the following :

## AWARD

Workman absent. Management Present. No representation made for workman. Hence Nil award is passed.

Given under my hand and seal of the court this the 9th day of Oct., 1996.

Smt. G. JAISHREE, Chairman & Presiding Officer, Industrial Tribunal-cum-Labour Court,

Visakhapatnam.

नई दिल्ली, 7 नवम्बर, 1996

का०आ० 3391.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबन्धतन्त्र के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, विशाखापटनम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-11-96 को प्राप्त हुआ था।

[एल०-34012/4/90-आई०आर० (विविध)]

बी० एम० डेविड, डेस्क अधिकारी

New Delhi, the 7th November, 1996

S.O. 3391.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Visakhapatnam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Visakhapatnam Port Trust and their workman, which was received by the Central Government on the 5-11-96.

[No. L-34012/4/90-IR(Misc)]

B. M. DAVID, Desk Officer

## ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT VISAKHAPATNAM

## PRESENT:

Smt. G. Jaishree, B.Sc. LL.B., Chairman & Presiding Officer.

Monday, the 19th day of August, 1996

I.T. I.D. No. 4/92(C)

## BETWEEN :

The General Secretary,

Visakhapatnam Port Employees Union,

Visakhapatnam.

.. Workman.

## AND :

The Management,

Visakhapatnam Port Trust,

Visakhapatnam.

.. Management.

This dispute coming on for final hearing before me in the presence of Sri S. Siva Ramadas, advocate for workman and Sri B. Gowri Shankar Raju, advocate for management upon hearing the arguments of both sides the court passed the following :

## AWARD

(1) In this case reference is made by the Government of India, under Sec. 10(1)(d) of the I.D. Act in the following terms :

"Whether the management of Visakhapatnam Port Trust is justified in not upgrading the Post of Tallyman at the main gate of Stores Department, in view of the responsibility of maintenance of records and other heavy responsibilities? If not whether the post should be upgraded?"

(1) The workman filed claim statement stating that in the Stores Department of Visakhapatnam Port Trust there is purchase wing and depot wing. In the depot wing of the general stores, there is main entrance gate through which materials worth lakhs of rupees pass through, both incoming and outgoing materials. These materials are to be checked at the gate item by item duly identifying their names from the vouchers written in English and entered in the respective registers. For this purpose, the Visakhapatnam Port Trust posted a Tallyman at the gate, promoted from class-IV post having lesser qualifications. The person posted at the gate, should possess highly academic qualification and also some technical knowledge of the stores items in order to cope with the day to day transactions of 14 Wards at the main entrance gate. Due to the expansion of trade activities in the Port, the volume of Stores items has considerably increased. The Tallyman, who is not sufficiently qualified and lacking the technical stores knowledge of various items has been made to feel overburdened and is compelled to hold higher responsibilities. The Tallyman is not assisted by ward keeper or Asst. Ward Keeper who are having technical knowledge and expertise in Stores Matters, as the Tallyman is exclusively posted at the main gate, far away from the wards. Thus, it is pleaded that there is every justification to post a higher cadre person i.e. ward keeper or asst. ward keeper with one assistant at this place. But the management turned down this genuine claim of the workman.

(3) In the counter statement filed by the management it is pleaded that the General Stores of Visakhapatnam Port Trust is divided into various wards in accordance with the required functions, such as, purchases, issues, disposals etc. of Material and each ward is kept under the charge of a ward keeper. The ward keeper is responsible for receipt, accounting, safe custody and proper issue of material required by various departments in the Port. He is responsible to issue proper challans for all the materials delivered at the ward to the identifying departments/sections. Thus, materials issued at the ward have to pass through the main gate of the general stores where the issued materials will once again be checked in accordance with the issue challan by the tallyman posted at the main gate with the assistance of security ward posted there, to ensure that only the material delivered at the ward according to challans are carried through the main gate of the general stores. It is stated that the work carried out at the main entrance gate of the general stores is of simple nature i.e. to enter the consignment, challans etc. and this work is being carried out by a tallyman without any problem or difficulty since very long time. It is stated that even when the Rs. 100 crore project of outer harbour construction

was in operation, work at the main gate was carried out smoothly including several projects, such as, Fishing Harbour Dry Dock construction of quarters at Kailasapuram, DIB, ACB, G. J. Hospital, etc. It is denied that the tallyman is holding any higher responsibilities and increased works due to expansion of trade activities and it is stated that there is no need to post an additional qualified person and the work does not involve supervision also to post assistant ward keeper or ward keeper. It is pleaded that the duties and responsibilities of tallyman are "Tallying the contents received with challan/invoice and maintenance of Tally Registers" and the same does not require any supervision by Asst. Ward Keeper or Ward Keeper, and there is no justification to post persons of cadre of ward keeper or asst. ward keeper at the main gate of the general stores. Thus, it is pleaded that the claim of the workman has no merits.

(4) On behalf of the workman, the general secretary of Post Employees Union by name D. K. Sarma is examined and no documents are marked. On behalf of the management, MW1 is examined but he is not cross-examined by the workman as the workman and their representative were called absent in spite of several adjournments and ultimately MW1 is discharged on 17-7-96. Subsequently also the workman and their counsel were called absent for 4 adjournments and hence heard counsel for management and perused the record.

(5) The points that arise for consideration are:

(1) Whether the management is justified in not upgrading the post of tallyman at the main gate of stores department?

(2) To what relief are the workmen entitled?

(6) The General Secretary of Port Employees Union, deposed as WW1 that there are two wings in the Stores department, purchase wing and depot wing. There is one main gate to the stores department and tallyman is posted at the entrance of the main gate. The duties of tallyman are tallying the contents of the material received either by the road transport or the train transport, checking the numbers, nothing the timing and maintenance of register about the inward and outward transactions. He deposes that daily transactions of material worth lakhs of rupees is going on and their number ranges from 40 to 100 per day with variety of material. He states that the material will be checked at the main gate by the tallyman and all the details of the material are entered by him in the register and then the material will be allowed to pass through the main gate. The workman filed recruitment rules of the post of tallyman (class-III) of stores Department vide annexure-I, which show that the qualification required for the post of tallyman is 3rd from pass and 6 years experience in the post of stores attendant. The method of recruitment is stated to be by promotion or by selection from stores attendant class-IV, failing which from Stores Khalasi (class IV). WW1 deposes that the bills and invoices for the material

are in English and also in Hindi and there is no training for this tallyman and as the technology is advancing, a tallyman with 3rd std. cannot perform the duties efficiently and therefore a person with highly educational qualifications is required and the posting of a qualified ward keeper or the asst. ward keeper in the post of tallyman is necessary. But a perusal of annexure-II filed by the workman showing the duties and responsibilities attached to the post of tallyman of stores department, shows that his duties are tallying the contents received with challan/invoice and maintenance of tally registers. Thus, the duty of tallyman is only to check the material with reference to issue challan and enter the same in the register to be maintained by him. It is in the evidence of MW1 that the general stores of the port trust is divided into various wards and each ward is kept under the control of one ward keeper. This post is a supervisory post and his duties are receipt of various materials, accounting, safe custody and issue of material to the departments, prepare and issue note. This material issued from the wards will pass through the main ward of the general stores and at this gate, counter check will be made by the tallyman with the assistance of one security guard. The tallyman maintains a register for recording the incoming and out going material and no technical knowledge is required to perform the duties of tallyman and the tallyman has no higher responsibilities. All this evidence shows that the duty and responsibility of the tallyman posted at the main gate of the stores department is only to tally the material passing through the gate with the challan or invoice as the case may be which are already issued in the respective wards by the ward keepers. WW1 admits in his cross-examination that the ward keepers responsibility is for receipt, accounting, safe custody and proper issue of material required by various departments in the port trust, and he is responsible for issuing challans for all the materials delivered at the ward. WW1 denies that the work of tallyman is of simple nature but the evidence shows that the work of tallyman is only simple and the same does not require any higher educational or technical qualifications. According to WW1, the bills and invoices in the material are in English and also in Hindi and there is no training for this tallyman and tallyman with 3rd std. cannot perform the duties efficiently. But it may be noted that the tallyman is not illiterate person, but is required to pass 3rd form and further he is promoted from the cadre of Stores attendant having experience as such for not less than 5 years. Thus, a tallyman is not directly posted as such but he works for considerable period in the stores and thus gains experience and becomes acquainted with the names of different material received in the stores. He has to perform simple duties of checking outgoing and incoming material with reference to the challans and tally the same and maintain a register regarding the same. In the very nature of these duties, the work is very simple and tally man promoted as such after much experience as stores attendant easily perform this job and the increasing of work load if any does not disqualify him for this job requiring a person with any higher qualifications. MW1 deposes during the construction of outer Harbour Project, Dry Dock Fixshing Harbour, Kailashpuram quarters, Dock Labour Board Administrative Building and Golden Jubli Hospital, crores worth of material passed through

the same gate and the tallyman was checking the material at the main gate and maintaining the registers without any problem. In fact WW1 admits in his cross-examination that the entire construction material at the time of construction of fishing harbour, Dry dock, Kailasapuram quarters etc. passed through the main gate after noting by the tallyman and he does not remember that any difficulty was created all these years by posting the tallyman at the main gate for this purpose. Thus, the evidence on record establishes that the work of tallyman is of simple nature and he can perform the same without any difficulty and there is no justification for the demand of the workman for upgrading the post of tallyman at the main gate of stores department. I hold on this point accordingly.

(12) Point No. 2 : In view of my findings on point No. 1 above, the workman are not entitled to any relief in these proceedings.

(13) In the result, the reference is answered in the following terms : "The management of Visakhapatnam Port Trust is justified in not upgrading the post of Tallyman at the main gate of Stores Department and accordingly nil award is passed."

Dictated to steno transcribed by her given under my hand and seal of the court this the 19th day of August, 1996.

Smt. G. JAISHREE, Chairman & Presiding Officer, Industrial Tribunal-cum-Labour Court.

Visakhapatnam.

Appendix of Evidence in I.T. I.D. No. 4/92(C).

#### WITNESSES EXAMINED:

FOR WORKMAN : FOR MANAGEMENT:  
WW-1 : D. K. Sharma. MW-1 : A. Venugopal Rao

#### DOCUMENTS MARKED:

FOR WORKMAN : NIL. FOR MANAGEMENT:  
NIL.

नई दिल्ली, 7 नवम्बर, 1996

कां.आ. 3392.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबन्धतन्त्र के सम्बद्ध निधोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, विशाखापटनम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-11-96 को प्राप्त हुआ है।

[एल०-34011/2/91-आई०आर० (विविध)]

बी० एम० डेविड, डेस्क अधिकारी

New Delhi, the 7th November, 1996

S.O. 3392.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government

hereby publishes the award of the Industrial Tribunal, Visakhapatnam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Visakhapatnam Port Trust and their workman, which was received by the Central Government on 5-11-1996.

[No. L-34011/2/91-IR (Misc.)],

B. M. DAVID, Desk Officer

# ANNEXURE

## BEFORE COURT OF INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT VISAKHAPATNAM

### PRESENT :

Smt. G. Jaishree, B.Sc., L.L.M., Chairman and Presiding Officer.

Monday, the 19th day of August, 1996

IT.L.D. No. 7/92 (Central)

### BETWEEN

The General Secretary,  
The Visakhapatnam Port Employees Union,  
Dharmasakti Bhavan,  
26-15-204,

Visakhapatnam-530001.

.. Workmen.

### AND

The Chairman,  
Visakhapatnam Port Trust,  
Visakhapatnam-530001

.. Management

This dispute coming on for final hearing before me in the presence of Sri S. Siva Ramadas, advocate for workman and Sri B. Gowri Shankara Raju, advocate for management, upon hearing the arguments of both sides the court passed the following :

### AWARD

1. In this case the Government of India referred the dispute existing between Visakhapatnam Port Trust and their workman under Section 10(1)(a) of the I. D. Act in the following terms :

"Whether the action of Visakhapatnam Port Trust in disallowing the two increments granted to bulldozer operators for discharging additional duties and treating as personal pay w.e.f. 1-4-85 is justified ? If not, to what relief they are entitled ?"

2. Claim statement is filed by the workman with the following averments. Originally 10 Bulldozer Operators used to work in the OHC of Mechanical Department of the Visakhapatnam Port Trust. Their duty was to operate Bull Dozers, who were given the scale of Rs. 465—819. In 1983 they were asked to operate the front-end-loaders also plus Belt pulling for replacement works. These Bulldozer Operators demanded additional remuneration for attending to additional and higher responsibilities. Therefore, the management granted 2 additional increments in the year 1984 which were merged in the basic pay. Subsequently the pay scales were revised from 1-1-84 and they were given the scale of 710—1202 on the basis of the pay including merger of the said two increments. But the management irregularly separated the 2 increments and treated them as personal pay scales were revised from 710—1202 to 795—1359 effect from 1-4-85 by showing these two advance increments granted to them as personal pay without any rule and causing grant loss to the employees since the personal pay will be counted for pension etc. It is claimed that this is unjust and therefore these two increments should be merged with the basic pay as was done originally.

3. In the counter statement filed by the management it is admitted that two additional increments were granted to the Bulldozer Operators with effect from 16-2-84 on par with loco drivers as a special case for holding higher duties and responsibilities. But it is stated that the same was subject to condition that if and when the scale of pay of bulldozer operator was revised, their pay would be fixed in the revised scale with reference to normal rules. It is pleaded that in the normal pay fixation, additional increments given for

whatever reason should not be taken into consideration to merge the same in the basic pay of the employee. It is further stated that the bulldozer operators like any other category were given the corresponding scales with reference to pre-revised scale, but not with reference to horse power of the dozers and subsequent change were not reflected in the revision of scales. Therefore, the increments, which were granted, continued even after implementation of the revised scale of Rs. 710—1202 with effect from 1-1-84. As per wage settlement dated 11-4-84 the scale of pay of Rs. 710—1202 was given to the bulldozer operators and this scale was further revised by the Government to the scale of Rs. 795—1359. In this revision, the difference of pay between the pre-revised scale and revised scale was treated as personal pay. The two increments granted in the earlier pay scale were also treated as personal pay. Therefore they are getting 2 types of personal pay to compensate the drop in the emoluments. Justifying this change, it is pleaded by the management that the advance increments were given as an interim measure pending revision of scale of pay with reference to duties and responsibilities. And hence they have to be discontinued after sanctioning higher scale from 1-4-85, when once the revised scale was brought into effect from 1-4-85, recognising their higher duties and responsibilities. It is pleaded that they cannot enjoy both the revised scale as well as personal pay (two additional increments). In view of the operating new equipment, such as loader-cum-trencher for clearance of muck and fines by the operator a decision as taken to continue the 2 additional increments given in 1981 settlement scales amounting to Rs. 52 as personal pay. Thus, it is pleaded that the contention of the workman to merge the two additional increments in the basic pay is not justified.

4. On behalf of the workman, its General Secretary Sri D. K. Sarma is examined as WW-1 and Exs. W-1 to W-5 are marked. On behalf of the management, its Senior Asst. is examined as MW-1. Exs. M-1 to M-4 are marked.

5. MW-1 is not cross-examined by the workman inspite of several adjournments and the workman and the counsel remained absent and ultimately MW-1 is discharged on 17-7-96. Subsequently also the workman and their counsel remained absent for adjournments and ultimately I heard the counsel for management and perused the record.

6. The points that arise for consideration are :

(1) Whether the action of Visakhapatnam Port Trust, treating the two increments granted to Bulldozer Operators.

(2) To what relief are the workman entitled ?

7. Point No. 1—It is in the evidence of WW-1 that there are 10 bulldozer operators working in the mechanical department of Port Trust, and their duties are levelling the Iron Ore heap. In addition to their regular duties, they were asked to attend additional duties on the front and loader equipment and also belt lagging work, whereas their normal duties were operating bulldozer only. For this additional work they demanded additional remuneration and the management accordingly granted two increments w.e.f. 16-2-84 vide the proceeding under Ex. W-1. These two increments were merged with basic pay. The pay scales of all workers were revised w.e.f. 1-1-84 and the revised pay was fixed vide the proceedings dated 14-6-84 under Ex. W-2, as per the basic pay there two increments merged with it. But in November, 1988 the management passed orders separating these two increments vide Ex. W-3 dated 2-2-88 which the management also filed under Ex. M-2, when the scale was the workman protested against this action by making representation dated 15-11-88 under Ex. W-4 to the management and also to the Asst. Labour Commissioner (Central) on 18-11-89 vide Ex. W-5. WW1 depose that by separating these two increments and treating them as personal pay, the workmen are deprived pensionary benefits and all attendant allowances attached to the basic pay and therefore they want these increments to be merged with the basic pay w.e.f. 16-4-84. MW-1 testifies that in 1983 the bulldozer operators expressed their grievance that diesel loco drivers are paid hard duty allowance and they are also entitled to the same on par with those drivers. He depose that as payment of Hard Duty Allowance for this category was not prevalent in other Port establishments, the same was not paid but their demand was considered and to avoid dis-



satisfaction, they were granted two additional increments as a special case as additional remuneration vide Ex. W-1. Thus, there is no doubt that the bulldozers were granted two additional increments for additional duties as suggested to WW-1 in his cross-examination. But the case of the management as deposed by the MW-1 is that these additional increments were granted subject to the condition that whenever their pay is revised, it will be fixed in the revised scale with reference to normal rules. WW-1 also admits in his cross-examination that these additional increments are granted subject to the condition mentioned in Ex. W-1. A perusal of Ex. W-1 shows that the bull dozer operators of loco section have been granted two additional increments in addition to their existing pay w.e.f. 16-2-84 for holding higher duties and responsibilities and it is stated that this is subject to the condition that if and when the scale of the category of bull dozer operators is revised, their pay will be fixed in the revised scale with reference to normal rules. But MW-1 has not explained what is this fixation of their pay in the revised scale with reference to normal rules. It is not stated in the Ex. W-1 that these additional two increments will be treated as separate when the pay is revised. Admittedly, these two additional increments were merged with basic pay initially when they were granted as per Ex. W-1. When the scales were revised w.e.f. 1-1-84 also, the revised scale was fixed as per the basic pay including the merger of the two additional increments as is evidenced by the proceedings under Ex. W-2. But the said additional increments are sought to be treated as personal pay w.e.f. 1-4-85 when these scales were further revised from 710—1202 to 795—1359 as per the proceedings of the management dated 14-4-87 under Ex. M-1. The management accordingly re-fixed their scales of pay vide the proceedings dated 2-2-88 under Ex. M-2 by showing the two increments as personal pay w.e.f. 16-2-84. Subsequently, the management continued to treat it as personal pay vide the proceedings dated 15-7-89 under Ex. M-3 and continued to treat the pay accordingly vide his order dated 14-8-89 under Ex. M-4. A perusal of Ex. M-1 by which the two increments were treated as personal pay shows that no reasons are given for the same, even the condition mentioned in Ex. W-1 is not referred. According to MW-1 the petitioners are not entitled for merger of this increments in the basic pay in view of the above office order issued by the chief mechanical engineer under Ex. M-1 and he does not give any other reason for treating these increments as personal pay after lapse of long time and after acting on the merger and accordingly revising the pay once. It is suggested in the cross-examination of WW-1 that the management granted higher pay scales and additional two increments for the same their higher duties and there is no regulation for granting higher pay scales and additional two increments for the same reasons. But WW-1 clarifies that their pay was not raised but only two increments were granted for the additional duties. Thus, the suggestion that the bull dozer operators were granted higher pay scales as well as two additional increments at the time is misleading in as much as their scale of pay became raised on account of the merger of the two increments. And accordingly the same was granted and no two additional increments were granted apart from that. It is pleaded in the rejoinder that the advance increments were given as interim measure pending revision of scale of pay with reference to duties and responsibilities and hence have to be discontinued on sanctioning higher scale from 1-4-85 when the revised scale was brought into effect from 1-4-85, recognising their higher duties and responsibilities. But as observed by me above this plea of the management is misleading as the higher pay scale granted to them resulted only from the measure of basic pay and not on a different footing. A perusal of Ex. M-3 dated 15-7-89 shows that the operation of new equipment such as Loader-cum-Trencher for clearance of muck and fines by the operator, is still continuing even in the year 1989 and thus, it cannot be stated as a temporary additional duty and on the other hand it shows that the additional duties required by the bull dozer operators are of permanent nature and therefore they were granted two increments instead of personal pay when the increments were granted. There is absolutely no justification for the management to set at naught the benefit given to the bull dozer operators for performing the additional duties by simply treating them as personal pay without any reason. It appears to be unfair labour practice on the part of the management to induce the bull dozer operators to perform the additional duties by granting two additional increments and merging the same with basic pay and also once re-fixing the pay on the same basis and subsequently withdrawing the same and treat-

ing it as personal pay while still making them perform the additional duties. Thus, I find no justification for the management to treat the two additional increments granted to bull dozer operators as personal pay w.e.f. 1-4-85. I find this point accordingly.

8. Point No. 2—In view of my findings on point No. 1 above, the bull dozer operators of Visakhapatnam Port Trust to whom two increments are granted for discharging additional duties are entitled for merger of these two increments and the management is not justified in disallowing this claim and treating it as personal pay.

9. In the result, award is passed answering the reference as follows :

"The action of Visakhapatnam Port Trust in disallowing the two increments granted to Bull Dozer Operators for discharging additional duties and treating as personal pay w.e.f. 1-4-85 is not justified and the Bull Dozer Operators are entitled for merger of the two additional increments granted to them with their basic pay w.e.f. 16-2-1984."

Dictated to steno transcribed by her given under my hand and seal of the court this the 19th day of August, 1996.

SMT. G. JAISHREE, Chairman and Presiding Officer  
Industrial Tribunal-cum-Labour Court,  
Visakhapatnam.

Appendix of Evidence in I.T.L.D. No. 7/92 (C)

#### WITNESSES EXAMINED

For Workman :

WW-1—D. K. Sarma.

For Management :

MW-1—Ch. Rama Rao.

#### DOCUMENTS MARKED

For Workman :

Ex. W-1/1-3-84—Proceedings for grant of two additional increments.

Ex. W-2/14-6-84—Proceedings for fixing the revised pay

Ex. W-3/2-2-88—Proceedings of revised scales.

Ex. W-4/15-11-88—Representation by the union to the management.

Ex. W-5/18-11-89—Representation by the union to the ACL (Central).

For Management :

Ex. M-1/4-4-87—Orders of the secretary for fixation of pay.

Ex. M-2/2-2-88—Office order for implementation of revised scales.

Ex. M-3/15-7-89—Orders of the Secretary.

Ex. M-4/14-8-89—Office Order for fixation of pay.

नई दिल्ली, 12 नवम्बर, 1996

कां० आ० 3393.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टूटीकोरिन पोर्ट ट्रस्ट के प्रबन्धन के सम्बद्ध निोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-11-96 को प्राप्त हुआ था।

[पुनः-44012/4/96—आई०आर० (विवाद)]

बी० एच० डेविड, ऐस्क अधिकारी



New Delhi, the 12th November, 1996

S.O. 3393.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Tuticorin Port Trust and their workman, which was received by the Central Government on 12-11-96.

[No. L-44012/4/95-IR(Misc.)]

B. M. DAVID, Desk Officer

#### ANNEXURE

#### BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS

Friday, the 20th day of September, 1996

#### PRESENT :

Thiru S. Thangaraj, B.Sc., LL.B. Industrial Tribunal.

Industrial Dispute No. 3 of 1996

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Tuticorin Port Trust, Tuticorin).

#### BETWEEN

The Workman represented by :  
The General Secretary,  
Tuticorin Port Employees Orgn.,  
94, Kovilpillai Nagar,  
Tuticorin-620006.

#### VERSUS

The Chairman,  
Tuticorin Port Trust,  
Tuticorin-620006.

#### REFERENCE :

Order No. L-44012/4/95-IR(Misc.), dated 4-1-96, Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on this day for final disposal upon perusing the reference and other connected papers on record and both parties being absent, this Tribunal passed the following :

#### AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the management of Tuticorin Port Trust in not stopping up the pay of Shri G. S. Balasing at par with his junior is justified. If not to what relief he is entitled?"

Petitioner called at 11.05 a.m. Petitioner absent. No representation. Again called at 5.05 p.m. Petitioner absent. Claim statement not filed. Industrial dispute dismissed for default.

Dated, this the 20th day of September, 1996.

THIRU S. THANGARAJ, Industrial Tribunal.

नई दिल्ली, 14 नवम्बर, 1996

कां.प्रा. 3394.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इस्टर्न शिपिंग सर्विसे के प्रबन्धतन्त्र के सम्बन्ध निधोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-11-96 को प्राप्त हुआ था।

[सं. एम. 32012/3/95-आई.आर. (विविध)]  
बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 14th November, 1996

S.O. 3394.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Eastern Shipping Services and their workman, which was received by the Central Government the 14-11-96.

[No. L-32012/3/95-IR (Misc.)]

B. M. DAVID, Desk Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 17 of 1995

#### PARTIES :

Employers in relation to the Management of Eastern Shipping Service, Calcutta.

#### AND

Their Workmen

#### PRESENT :

Mr. Justice K. C. Jagadeb Roy, Presiding Officer.

#### APPEARANCE :

On behalf of Management—None

On behalf of the workmen—Mr. Bomkesh Chatterjee, Working President of the Union and Mr. Probhat Sen the concerned workmen.

STATE : West Bengal. INDUSTRY : Port & Dock

## AWARD

By Order No. L-32012/3/95-IR(Misc.) dated 30-10-1995 the Central Government in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to the Tribunal for adjudication :

"Whether the action of the management of M/s. Eastern Shipping Services in not granting the annual increment to Shri Probhat Sen from the year 1991 and not allowing him to work in the establishment and also not paying his salary from the month of November, 1994 is justified ? If not, to what relief the concerned workman is entitled ?"

2. Pursuant to the notice issued to M/s. Eastern Shipping Services of Calcutta, none appeared on behalf of the said employer of this workman till the hearing was completed even though the notice on the firm had been made sufficient on 22nd November, 1995. The employer also did not choose to file written statement, nor led any evidence challenging the contention of the workman.

3. The schedule of reference which is quoted above would show that this Tribunal was called upon to answer if the non-granting of annual increment to Shri Sen the workman from the year 1991 was justified and if disallowing the workman to work in the establishment and not paying him the salary from the month of November, 1994 was also justified. But in the written statement filed by the workman, the workman had claimed in paragraph 12 for allowing him the compensation for his mental agony suffered by him on account of being out of work in addition to the wages he would have earned leave, salary, bonus etc. since January 1995 till he was kept out of employment illegally in addition to gratuity etc. In paragraph 9 of the written statement however he had claimed that he was entitled to increment which has been denied to him.

4. The law is well-settled that the Tribunal in adjudicating on the reference made to it under Section 10 of the Industrial Disputes Act cannot go beyond the schedule of reference. Accordingly I confine myself to the prayer of the workman to the extent it is mentioned in the schedule namely if the non-granting of annual increment from the year 1991 to him and disallowing him to work in the extent it is mentioned in the schedule namely from November, 1994 were justified and if not, to what relief he was entitled to.

5. In paragraph 9 of the written statement the workman had claimed increment @ 100 per cent with effect from January 1990. In paragraph 12 he further claimed that the unjustified, unilateral arbitrary and illegal denial of employment to him

from January 1995 was with the ulterior motive and vindictive as management resorted to this action since he raised a dispute for his increment. He accordingly claimed on account of loss and damage a sum of rupees one lakh.

6. The workman had examined himself as his sole witness. In his deposition he has stated that he was a regular employee of the Eastern Shipping Services, a firm and started his service with a pay @ Rs. 600 per month in the year 1974. By February 1994 his monthly salary was Rs. 1316 per month. According to him he was given regular increment of Rs. 50 per year which was illegally stopped from 1990. He also exhibited a certificate given by the Attorney of Eastern Shipping Services, a xerox copy of which is filed and marked Ext. W-1. This certificate dated 11th February 1994 states that this workman was a regular employee of the Eastern Shipping Services on a monthly salary of Rs. 1316 per month. This proves the assertion of the workman that he was actually receiving an increment of Rs. 50 per year. The initial monthly salary of the workman because of the increment of Rs. 50 per year obviously came to Rs. 1400 per month by the year 1990. He has stated in his evidence that the management has also without any cause paid less than Rs. 50 as increment at times, which again is the reason for the monthly wage being Rs. 1316 by the end of 1990. Since the increments were illegally stopped from 1990, the same monthly wage of Rs. 1316 was said to be monthly wage in February 1994. The witness had also stated that the management illegally stopped this increment from the year 1990. This witness has further stated that he was a regular employee of the firm which is borne out from Ext. W-1 and served the Company for 20 years by 1994 but the management refused him employment with effect from 31-1-1995 without assigning any reason. There was no disciplinary proceeding against him nor any punishment was imposed upon him removing him from service. He would therefore be deemed to be continuing in service. Besides, his services have been terminated without following the procedure contained in Section 251 (Chapter V) of the I.D. Act as he received no compensation nor notice pay before such action of the management. The termination should thus be declared illegal and had and he be deemed to be continuing in service. As already stated, there is no evidence led by the management challenging these assertions, nothing has been shown why his service was terminated or if at all had already superannuated and if he was not superannuated.

7. In the result, the workman is deemed to be continuing in service and would be entitled to all the back wages from November, 1994. The wage shall be calculated by making increment at the

rate of Rs. 50 per year with effect from 1-1-1991.

The reference is answered accordingly.

Dated, Calcutta,

The 31st October, 1996

K. C. JAGADEB ROY, Presiding Officer

नई दिल्ली, 14 नवम्बर, 1996

का.अ. 3395.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कलकत्ता पोर्ट ट्रस्ट के प्रबन्धन के सम्बद्ध निरोधकों और उनके कर्मचारियों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-11-96 को प्राप्त हुआ था।

[सं. एल-32011/2/89-आर्.आर. (विवाद)]

वी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 14th November, 1996

S.O. 3395.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Calcutta Port Trust and their workman, which was received by the Central Government on 14-11-1996.

[No. L-32011/2/89-IR (Misc)]

B. M. DAVID, Desk Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 19 of 1989

#### PARTIES :

Employers in relation to the management of Calcutta Port Trust, Calcutta

AND

Their workmen.

#### PRESENT :

Mr. Justice K. C. Jagadeb Roy, Presiding Officer.

#### APPEARANCE :

On behalf of Management—Mr. G. Mukherjee, Senior Labour Officer (IR).

On behalf of Workmen—Mr. S. Chatterjee, Joint Secretary of the Union.

STATE : West Bengal

INDUSTRY : Port

#### AWARD

By Order No. L-32011/2/89-IR (Misc) dated 5th June, 1989 the Central Government in exercise of its powers under Section 10(1)(d) and (2-A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Calcutta Port Trust, Calcutta in imposing punishment on S/Shri Jatindra Kumar Chakraborty and Prafulla Kanta Banerjee, the then Permit Clerks by any of deferment of their annual grade increments for a period of 2 years without cumulative effect, is justified. If not, what relief are the concerned workmen entitled to?"

2. The workmen S/Shri Jatindra Kumar Chakraborty and Prafulla Kanta Banerjee who were Permit Clerks had been

charged/shooted when on a surprise check conducted on 11-4-1978 at 17 hours by the staff of the Vigilance and the Security Adviser, a sum of Rs. 50.97 p. were found in excess in the cash box. Both these Permit Clerks were working together on that day and after the enquiry in a disciplinary proceeding, the punishment of deferment of their annual grade increments for a period of 2 years without cumulative effect was imposed. There was a joint disciplinary proceeding in respect of both the workmen, wherein the above punishment had been imposed on each of them.

3. Both the workmen and the management had filed their respective written statements. In the written statement filed by the workmen, both the workmen had admitted the fact of the vigilance check on 11-4-1979 at 17 hours and their finding of Rs. 50.97 p. as excess amount in the cash box. Their appeal to the Chairman of the Calcutta Port Trust, had been rejected. The grounds taken by the workman in their written statement are as follows :

- The proceeding was initiated on 26th July, 1985, whereas the incident happened on 11-4-1978 which inordinate delay had caused prejudice to the charge-sheeted employees in putting their defence.
- When the enquiry was initiated by the Chairman in the capacity of the disciplinary authority, the punishment was imposed by the Traffic Manager as subordinate authority to the Chairman and their appeal had been dealt with by the Deputy Chairman, who could have done hardly any justice when the enquiry was initiated by the Chairman who is the supreme authority in the Calcutta Port Trust.
- The proceeding was not conducted in a proper and fair way.
- Holding of joint enquiry against both the workmen was in violation of the rules contained in the Calcutta Port Commissioners (Discipline and Appeal) Rules, 1964 and
- The enquiry officer had failed to establish the specific charge.

Besides, the punishment imposed following the enquiry was unjustified and illegal. This written statement was filed by Shri Roy Ganguly the vice president of the Calcutta Port and Shore Mazdoor Union and was dated 3rd May, 1990 but the verification of the aforesaid statement in the written statement was not done by Shri Roy Ganguly but by Shri Shyam Sundar Mishra said to be the working president of the Calcutta Port and Shore Mazdoor Union. The verification is also not complete as it does not say if the statement contained in all the paragraphs of the written statement were true to his knowledge and behalf. It only said the statement made in "paragraphs 1 to ....." are all facts which he believed to be true. Therefore, this written statement is not properly verified and it is not verified by the person signed the written statement.

4. None has been examined on behalf of the workmen in support of any of the assertions made in the written statements assuming the verification was correct. As the order sheet dated 12-8-1993 would show that Mr. Chatterjee the representative of the workmen expressed before the Tribunal that he would not tender any evidence in the case. The written statement is merely the pleading of the party but could not be treated as evidence unless a person stating the same is examined before the Tribunal subjecting himself to the cross-examination to prove the truthfulness of the statement. Accordingly, the workmen led no oral evidence whatsoever to justify the stand taken in the written statement.

5. No doubt the workmen had filed some documents numbering about 12 and were marked exhibits on consent. Ext. W-1 is the charge sheet against the present two employees had been issued by the Chairman on 26-7-85 initiating the disciplinary proceeding but the punishment had been imposed by the Traffic Manager, an inferior authority to the Chairman who as the disciplinary authority had imposed the punishment which is marked Ext. W-8 without objection. Ext. W-10 shows that the appeal by the chargesheeted employee Jatindra Kumar Chakraborty had been rejected by the Deputy Chairman.

6. The management in their written statement had stated that there was a surprise check made on 11-4-1978 when a sum of Rs. 50.97 p. was found in excess in the cash box. The initial disciplinary proceeding was against three persons namely S/Shri Abhoy Pada Gupta, Cashier and the present workmen Jatindra Kumar Chakraborty and Prafulla Kanta Banerjee. All of them were detailed for duty at the KPD daily permit office. The disciplinary proceeding was initiated against the aforesaid three employees under the charge of misconduct under the CPT Employees (Discipline and Appeal) Rules, 1964 in the year 1979. Before the same could be completed, because of the superannuation of one of the delinquents, the Chairman of the Port Trust passed the order thereafter to hold denove enquiry against the present two employees who were still in service, obviously for the misconduct committed by them on 11-4-1978 and charge-sheet was issued to them afresh on 26-7-1985. After a proper enquiry by Shri J. Mukherjee, Traffic Superintendent who was appointed as the Enquiring Officer when Shri Dipak Chakraborty, Assistant Superintendent acted as the Presenting Officer. Enquiry Officer gave his report, saying that the charges levelled against the present two workmen were fully established. The disciplinary authority thereafter passed the order of punishment against those two workmen. On appeal, the appellate authority had considered the appeal and rejected the same with reasons. All the opportunities had been given to the workmen to present their case and there was no violation of principle of natural justice.

7. The management had examined the Enquiry Officer as their only witness before the Tribunal as MW-1, who had stated that the chargesheeted employees were assisted by their defence helper and participated in the enquiry. He stated that he had submitted the enquiry report to the Traffic Manager but he had no knowledge who imposed the punishment.

8. The management could have chosen not to present any evidence and to reply on the latches of the workmen in not presenting their case at all before this Tribunal by examining any witness but chose to accept the documents filed by the workmen which had been marked exhibits on consent. The management admits the position that the fresh disciplinary proceeding started against the two chargesheeted employees in 1985 while the incident happened in the year 1978. On the admitted position that there was a disciplinary proceeding against these two workmen alongwith the third one who has already superannuated, the enquiry was complete and show cause was issued to these two workmen against the proposed punishment but no punishment was imposed and a denove enquiry was initiated on 26-7-1985 about 6 years of the incident on the same charge again. Such delayed enquiry obviously was prejudicial to the chargesheeted employees. The recording of statements made by the Enquiry Officer is placed before the Tribunal. Prafulla Kanta Banerjee one of the chargesheeted employee during his statement before the Enquiry Officer had expressed that he could not recollect many things because of delay and Jatindra Kumar Chakraborty, the other chargesheeted employee stated on 5-5-1986 before the Enquiry Officer that he had no occasion to check the cash box and was not aware of the contents. It seems from the statements of the chargesheet employees that the cashier and not one of them was in charge of the cash box, though occasionally one of them remains incharge if the cashier leaves the office temporarily. That apart, no material is shown in the enquiry why this excess of Rs. 50.97p. would be considered to be a misconduct unless there was some imputation and allegation that this money had been received by them either as bribe or on other objectionable grounds.

9. From the evidence of Jatinder Kumar Chakraborty at the enquiry it was revealed that this amount was deposited by Hariyana Steel Company on the same day 11-4-1978 who applied for 100 permits of 33 paise each for 100 men and deposited Rs. 50. There is no finding regarding the very said amount that it was unauthorisedly brought into the box or kept by one of these two chargesheeted employees. That apart, Ext. W-1 which shows the charge sheet against the present two employees had been issued by the Chairman on 26-7-1985 initiating the charge. This particular charge sheet relates to Jatindra Kumar Chakraborty but the punishment had been imposed by the Traffic Manager, an inferior authority to the Chairman who as the disciplinary authority had imposed the said punishment which is marked Ext. W-8 without objection. Ext. W-10 shows that the appeal by the chargesheeted employee Jatindra Kumar Chakraborty had been rejected by the Deputy Chairman. The management has not drawn attention to any of the provisions of any regulation that when the disciplinary authority was the Traffic Manager, charge sheet could have been framed by the Chairman and the appeal against the punishment imposed in the said proceeding would be dealt with by the Deputy Chairman.

10. As was held in Indian Iron & Steel Company Limited, reported in 1958(I) LLJ 260=AIR 1958 SC 130, the Tribunal was not clothed with power to interfere with the finding of misconduct recorded in the domestic enquiry, unless one of the four conditions existed, such as (a) there was want of good-faith, (b) there was victimisation or unfair labour practice, (c) where the management had committed basic error of violation of principle of natural justice in holding the enquiry and (d) when on materials, the finding was baseless or perverse. In short, the conduct of disciplinary proceeding and punishment imposed therein were all considered to be managerial functions with which the Tribunal had no power to interfere, unless the finding was perverse or the punishment was harsh as to lead an inference of victimisation or unfair labour practice. This view had also been considered with approval by the Hon'ble Supreme Court in the workmen of Fire Stone Tyre and Rubber Company v. Management, reported in 1973(I) LLJ 278.

11. In the present case, the proceeding lacks want of good-faith as it was a very delayed proceeding and started after 6 years of the incident, obviously putting the workmen in jeopardy in defending themselves. Secondly, here the management can be said to be guilty of basic error or violation of principle of natural justice when in the earlier proceeding started soon after the incident and after receiving the reply to the query of the management as to why the proposed punishment would not be inflicted, the management remained silent for 5 years giving the impression as if the management accepted the contention of the chargesheeted employees that they were to be exonerated if there was any fault on their part and having restarted the whole thing denove in the year 1985 without informing them in between why such a procedure had been adopted and how the superannuation of one of the three chargesheeted employees stayed the hands of the management deciding

the case of the other two workmen. If it was the case of the management that three of them had a joint hand in the misconduct, how did the management proceed against the present persons in the absence of the other one, when the management itself decided to hold the joint enquiry. In *Mean Glass Tea Estate v. workmen*, reported in 1963(II) LLJ 392(SC) the delayed charge after 4½ years of the incident was considered to be a circumstance to take great precaution in consideration of the evidence available.

12. In my view, therefore, in the present case, taking into consideration the special facts that the imposition of punishment on these two workmen in a much delayed proceeding and the manner in which the proceeding was conducted, such as the charge-sheet having been framed by the Chairman but ultimately the punishment had been imposed by a subordinate authority, I think it is fit case where the punishment should be interfered with and is accordingly held to be illegal.

13. In the result, the workmen should be entitled to their regular wages notwithstanding the punishment imposed.

The reference is answered accordingly.  
Dated, Calcutta,  
The 25th September, 1996.

K. C. JAGADEB ROY, Presiding Officer

नई दिल्ली, 11 नवम्बर, 1996

कां.मां. 3396.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसेर्स सी. सी. एल. की टोपा कोल्लियरी के प्रबन्धतन्त्र के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 1 के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-11-96 को प्राप्त हुआ था।

[सं. एल.—20012/389/93—आई.आर. (कोल 1)]  
ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 11th November, 1996

S.O. 3396.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Topa Colliery of M/s. C.C.L. and their workmen, which was received by the Central Government on 8-11-1996.

[No. L-20012/389/93-IR(Coal-I)]  
BRAJ MOHAN, Desk Officer

## ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Sec. 10(1)(d) (2-A) of the Industrial Disputes Act, 1947.  
Reference No. 6 of 1995.

#### PARTIES :

Employers in relation to the management of  
Topa Colliery of M/s. C.C. Ltd.

AND

Their Workmen.

#### PRESENT :

Shri Tarkeshwar Prasad,  
Presiding Officer.

#### APPEARANCES :

For the Employers : Shri B. Joshi, Advocate.  
For the Workmen : Shri G. Prasad, Advocate.  
State : Bihar. Industry : Coal.

Dated, the 1st November, 1996,

#### AWARD

By Order No. L-20012(389)/93-I.R. (Coal-I) dated 28-12-94 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-Sec. (I) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Topa Colliery under Kujua Area of M/s. C.C. Ltd., P.O. Hazaribagh in not allowing Smt. Sijhanu Devi to retire under Voluntary Retirement Scheme for Female Worker 92-93 for the purpose for employment of her son in her place is justified? If not, to what benefit the workmen is entitled?"

2. The dispute has been settled and of the Tribunal. A memorandum of settlement has been filed in this Tribunal. I have gone through the terms of settlement and I find them quite fair and reasonable. I allow the prayer and pass an award in terms of the settlement. The memorandum of settlement shall form part of this award.

3. Let a copy of this award be sent to the Ministry as required under Sec. 15 of the I.D. Act, 1947.

TARKESHWAR PRASAD, Presiding Officer

BEFORE THE PRESIDING OFFICER CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL NO. 1, AT DHANBAD.

Ref. No. 6/95

Employees in relation to the Management of Topa Colliery.

AND

Their Workman.

Petition of Compromise.

The humble petition on behalf of its parties to the above reference most respectfully sheweth:—

1. That the aforesaid dispute has been amicably settled and concerned lady Smt. Sijhana Devi has been allowed to Voluntary Retirement from her services. The son of the concerned lady Shri Dina Nath Karamkar has been appointed as Piece Rated worker w.e.f. 8-11-95
2. That in view of the aforesaid settlement there remains no dispute for adjudication.

It is humbly prayed that award may kindly be passed in accordance of the settlement.

For the worker.

For the employee

Part of the award :

नई दिल्ली, 12 नवम्बर, 1996

का० आ० 3397.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी० सी० सी० एल० का कुसुन्दा क्षेत्र नं० 6 के प्रबन्धतन्त्र के सम्बद्ध निवृत्तों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, नं० 1 धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-11-96 को प्राप्त हुआ था ।

[सं० एल०-20012/361/93-आई०आर० (कोल)]

ब्राज मोहन, डेस्क अधिकारी

New Delhi, the 12th November, 1996

S.O. 3397.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Kusunda Area No. 6 of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 8th November, 1996.

[No. L-20012/361/93-IR(Coal-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under Sec. 10(1)(d) (2-A) of the Industrial Disputes Act, 1947.

Reference No. 255 of 1994

Parties :

Employers in relation to the management of KOCPL/Dhansar under Kusunda Area No. 6 of BCCL.

AND

Their Workmen

Present :

Shri Tarkeshwar Prasad, Presiding Officer.

Appearances :

For the Employers : Shri B. Joshi, Advocate.

For the Workmen : Shri C. Prasad, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, the 1st November, 1996

AWARD

By Order No. L-20012(361)/93-IR. (Coal-I) dated 9-11-94 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-sec. (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of KOCPL/Dhansar under Kusunda Area No. 6 of BCCL in denying promotion as Technical Grade C with notional seniority to Shri Harilal Saw is justified? If not, to what relief the workman is entitled?"

2. The dispute has been settled out of the Tribunal. A memorandum of settlement has been filed in this Tribunal. I have gone through the terms of settlement and I find them quite fair and reasonable. I allow the prayer and pass an award in terms of the settlement. The management has already promoted the concerned workman in Tech. and Supervisory Gr. 'C' as Asstt. Foreman w.e.f. 6/7-9-96 vide Office Order No. Ref. No. A-6/ APM/96/2977 dated 25-9-96. The memorandum of settlement shall form part of this award.

3. Let a copy of this award be sent to the Ministry as required under Sec. 15 of the I. D. Act, 1947.

TARKESHWAR PRASAD, Presiding Officer

BEFORE :

The Presiding Officer,  
C.G.I.T. No. I

Dhanbad.

In the matter of R/255/94.

Employees in relation to the Management of  
Kusunda Area of M/s. Bharat Coking  
Coal Limited.

AND

Their workman Shri Harilal Shaw.

The humble petition on behalf of the parties  
to the above reference most respectfully sweth :—

1. That the aforesaid dispute have been amicably settled between the parties on the following terms :—

#### TERMS OF SETTLEMENT

- (a) That the workman concerned Shri Harilal Shaw will be given promotion in Tech. & Supvr. Gr. 'C' with effect from 6/7-9-1996.
- (b) That the fixation of basic pay in Tech. and Supvr. Gr. 'C' will be fixed as per the usual procedure on the date of his actual placement in Grade 'C' with effect from 6/7-9-96.
- (c) That the workmen concerned will not claim any difference of wages or any other benefit for the period prior to date.

2. That in view of the above aforesaid settlement there remains nothing to be adjudicated.

Under the facts and circumstances stated above the Hon'ble Tribunal may graciously pleased to hold the settlement fair and proper and to pass the award in terms of settlement.

For the workmen,

1. (Shri Harilal Shaw)  
Fitter, Dhansar Colly.  
Workman.

2. (Arbind Kr. Singh)  
Secy. Cemewa

For the employer  
(M. K. Gupta)

General Manager,  
Kusunda Area  
(M. K. Singh)  
Area Personnel Manager.  
Kusunda Area.

Witness :

1. Sd/- Illegible
2. Sd/- S. P. Dhansar Illegible.  
Foreman, Incharge Dhansar Colly.  
Sd/- Illegible  
Industrial Tribunal  
No. 1, Dhanbad

नई दिल्ली, 14 नवम्बर, 1996

का.आ. 3398. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नैसर्ज बी.सी.गो.एल.की आरा कोलियरी के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-11-96 को प्राप्त हुआ था।

[संख्या एल 20012(401)/93-आई आर (कोल I)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 14th November, 1996

S.O. 3398.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. I, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Ara Colliery of M/s. BCCL and their workmen, which was received by the Central Government on 12-11-1996.

[No. L-20012(401)/93-IR (Coal-D)]

BRAJ MOHAN, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d) (2-A) of the Industrial Disputes Act, 1947

Reference No. 1 of 1995

#### PARTIES :

Employers in relation to the management of  
Ara Colliery of M/s. B.C.C. Ltd.,  
Hazaribagh

AND

Their Workmen.

#### PRESENT :

Shri Tarkeshwar Prasad, Presiding Officer.

For the Employers—None.

For the Workmen—None.

STATE : Bihar

INDUSTRY : Coal

Dated, the 5th November, 1996

#### AWARD

By Order No. L-20012(401)/93-I.R. (Coal-D) dated 28-12-94 the Central Government in the Ministry of Labour has in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Ara Colliery of M/s. C.C.L., Hazaribagh to impose of the penalty of ten days suspension without wages on S/Shri Gulam Rasul, Khalil Ahmed and Parbil Saw is justified? If not, to what relief these workmen are entitled?”

2. The order of reference was received in this Tribunal on 3-1-1995. Thereafter notices were sent to the parties to file written statement by the workmen, but none appeared on behalf of the workmen to take step in this case. After giving several adjournments another registered notice was sent to the sponsoring union which was returned back. It appears that the neither the concerned workmen nor the sponsoring union is interested to prosecute the present dispute.

3. In such circumstances, I pass a ‘No Dispute’ award in the present reference case.

TARKESHWAR PRASAD, Presiding Officer

नई दिल्ली 19 नवम्बर, 1996

कां०आ० 3399.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिण्टीकेट बैंक के प्रबन्धतन्त्र के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, कोचीकोडे के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-11-96 को प्राप्त हुआ था।

[सं० एल०-12012/100/94/आई० आर० (बी 2)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 19th November, 1996

S.O. 3399.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Labour Court, Kozhikode as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 8-11-96.

[No. (L-12012/100/94-IR(B-II))  
BRAJ MOHAN, Desk Officer

#### ANNEXURE

IN THE LABOUR COURT, KOZHICODE,  
KERALA STATE

Dated this the 31st day of August, 1996

PRESENT :

Sri P.O. Barkath Ali, B.S.c, LL.B., Presiding Officer.

I.D. (C) 2/94

#### BETWEEN

1. The General Manager (P), Syndicate Bank, Head Office, Post Box No. 1, Manipalpur-576119.
2. The Asst. General Manager, Syndicate Bank, Zonal Office, Sasthakripa Office Complex, Sasthamangalam, Trivandrum-695010. . . Management

#### AND

Sri K. Chandrakanthan, “Prasadam”, Onakkunnu, P.O. Karivelloor, Kannur District. . . Workman

#### REPRESENTATIONS :

Sri E. M. Vijayan, Advocate, Kozhikode—  
For Management

Sri M. K. Suresh Kumar, Advocate, Calicut  
—For Workman.

#### AWARD

This is an industrial dispute between the management of Syndicate Bank, Trivandrum and its worker Sri K. Chandramanathan referred to this Court for adjudication by the Government of India, Ministry of Labour by Order No. L-12012/100/94-IR(B-II), dated 29-6-1994.

2. The issue referred for adjudication is whether the action of the management of Syndicate Bank, Trivandrum in dismissing Shri K. Chandrakanthan, Clerk from service with effect from September 12, 1991 is justified? If not, what relief is the said workman entitled to?

3. In pursuance to the notices issued from this Court, both the management and the workman entered appearance. The workman in his claim statement contended thus—The workman was employed as a Clerk in Payyannur Branch of the management bank. The then Branch Manager, Sub-Manager and some of the staffs of the bank became on inimical terms with the workman. They with a view to dismiss the workman won over a customer named Smt. C. Madhavi and raised false and unfounded allegations against the workman of causing wilful damage to the property of bank's customer. They had also fabricated an allegation that the workman had misutilised the vehicle loan sanctioned to him by the management. The Deputy General Manager issued the chargesheet dated 30th July, 1992 to which this workman submitted an explanation on 10th August, 1992. But the Deputy General Manager without accepting the explanation of this worker ordered to conduct an enquiry by appointing Sri M. S. Dwarakanathan, an Officer of the bank. He was a puppet in the hands of the then Branch Manager. He did not allow the request of this workman to be



represented by a lawyer on the ground that clause 19-12A of By-partite Settlement prohibits the same, which is against the principles of natural justice. The list of witnesses and the list of documents were given to the workman only about 5 minutes before the commencement of the enquiry. Through out the enquiry the Inspector of C.B.I. was present. The testimony of the witnesses were not recorded correctly by the Enquiry Officer. The Enquiry Officer turned down the request of the workman for causing production of the documents by the management and his request to examine some of the witnesses. The findings of the Enquiry Officer is perverse and unsustainable either in law or on facts. It is therefore, prayed that the order of the management dismissing the workman may be set aside and that he may be ordered to be reinstated with backwages and all other attendant benefits.

4. The management No. 1 is the General Manager of the Syndicate Bank and the management No. 2 is the Assistant General Manager. The Assistant General Manager of Syndicate Bank, Trivandrum representing the management filed a statement contending thus :—The allegation that the then Branch Manager, Sub-Manager and the Staffs of the banks were on inimical terms with the workman and hence raised false charges against him are incorrect and baseless. It is false to say that the Enquiry Officer colluded with the management. The workman has caused wilful damage to the property of the bank's customer. He has also misutilised the vehicle loan, granted to him. The workman fully took part in the enquiry proceedings. He cross-examined all the witnesses examined on the side of the management and examined one witness on his side. As per the terms of Bipartite Settlement the workman is not entitled to engage an advocate to defend him in the enquiry proceedings. All the allegations made against the Enquiry Officer are false. The workman was given the list of witnesses, list of documents and copies of documents sufficiently early. The allegations that Smt. Madhavi was won over by the management is false. The Enquiry Officer is perfectly justified in believing the version of Smt. Madhavi. Further, when the workman applied for the vehicle loan, he was already in possession of a vehicle. It is not correct to say that to save some other persons the charges were fabricated against the workman. The disciplinary authority imposed the punishment against him only after going through the enquiry report and on being satisfied that the charges against the workman are proved. The workman was found guilty of the offence under Section 120B read with Section 420 and 421 of I.P.C. and also under Section 13(1)(d) read with Section 13(2) of Prevention of Corruption Act by the Court of Special Judge, C.B.I., Ernakulam in criminal proceedings

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No. 5/91 and was sentenced to undergo rigorous imprisonment for one year. It is, therefore, prayed that an award may be passed dismissing the claim of the workman.

5. The workman filed a rejoinder denying the allegations in the statement of the management.

6. The following points arise for consideration :—

- (1) Whether the domestic enquiry conducted by the Enquiry Officer is valid and proper ?
- (2) If so, whether the findings of the Enquiry Officer is based on legally acceptable evidence ?
- (3) Whether the punishment imposed on the workman is disproportionate to the gravity of the offence alleged ?
- (4) Whether the dismissal of the workman is justified ?
- (5) If not, what reliefs the workman is entitled to ?

7. MW-1 was examined and Exts. M1 was marked for the management. On the side of the workman WW-1 was examined and Exts. W-1 to W-4 were marked.

8. Point No. 1.—A preliminary point was raised regarding the validity of the domestic enquiry conducted by the management and my predecessor by order dated March 4, 1996 found that the domestic enquiry conducted by MW-1 is valid and proper and that the findings of the Enquiry Officer are not perverse.

9. Point No. 2.—The next question is whether the finding of the Enquiry Officer is supported by legally acceptable evidence. The first charge against the worker is that on December 5, 1989 Smt. C. Madhavi, a customer of the bank came for withdrawal of Rs. 500 that the worker who was the S. B. Clerk therein issued her the withdrawal slips and gave her Rs. 500, that subsequently he filled up the withdrawal slip for Rs. 3550 and encashed that amount, and that in the ledger the worker wrote the date of withdrawal as 5-12-89 and later altered it as 6-12-1989, thereby causing wilful damage to the property of the bank's customer in terms of clause 19.5 (d) of the Bipartite Settlement. The second charge levelled against the workman is that while he was possessing a two wheeler vehicle, he applied for a vehicle loan and got sanctioned the same, thereby misutilising the vehicle loan meant for the staff of the Bank, thus doing acts prejudicial to the interest of the bank in terms of clause 19.5(j) of the Bipartite Settlement. Before the Enquiry Officer, MW1 to MW6

were examined and Exts. MEX 1 to MEX 28 were marked for the management. On the side of the worker DW1 was examined. I have gone through the report of enquiry and the evidence recorded by the Enquiry Officer. The Enquiry Officer has properly analysed and assessed the evidence of both sides. MW1, the complainant Smt. C. Madhavi testified before the Enquiry Officer that she has withdrawn only Rs. 500 on December 5, 1989 and the withdrawal slip was issued to her from the bank. But it is seen from MEX. 1 the withdrawal slip issue register the number of last withdrawal slip issued on December 5, 1989 is No. 0028066, MEX. 2 is the withdrawal slip No. 0028067 for Rs. 3550 which is seen issued to Smt. Madhavi on 6-12-1989. But in MEX. 1 the number of withdrawal slip issued to Smt. Mahavi is shown as No. 0028068. In MEX. 3, the Bank Pass Book of Madhavi, it is shown that she has withdrawn Rs. 3550 on December 5, 1989. The said entry in MEX. 3 seems to be a subsequent insertion. The version of the worker that Madhavi came on December 6, 1989 and withdrawn Rs. 3550 was denied by her. The version of Madhavi that she came only on 5-12-89 and withdrawn only 500 is clearly supported by MEX. 3 the entry in the Pass Book of Madhavi. That apart the date of the corresponding entry in the ledger is seen to have corrected as 6-12-1989. Having regard to all these facts and circumstances the Enquiry Officer is perfectly justified in believing MW1. Madhavi and holding that the first charge against the worker is proved.

10. As regards the second charge against the workman. MEX. 12 the photostat copy of the agreement dated November 16, 1989 executed by Sri M.T.P. Hamza in favour of the workman shows that on November 16, 1989 itself the worker purchased the vehicle, but he applied for loan on November 11, 1989 as evidenced by MEX. 11, the loan application submitted by the worker to the bank. The evidence of MW6, the Clerk of the bank and Exts. MEX. 23, the ledger folio of Jewel loan register show that he has adjusted Rs. 3901.80 from the vehicle loan towards jewel loan. The case of the worker that the agreement Ext. MEX. 12 was cancelled and only after obtaining the vehicle loan he purchased the vehicle appears to be not true. In an attempt to prove his case the delinquent worker examined DW1, an attendor to MEX. 12, agreement dated 16-11-1989, before the Enquiry Officer. He stated that the agreement evidenced by MEX. 12 was cancelled as the worker did not pay the entire amount mentioned therein and that only subsequently after obtaining vehicle loan by the worker he purchased the vehicle. The Enquiry Officer rejected the evidence of DW1 on the ground that subsequently no agreement was executed between the worker and the owner of the vehicle. That being so, the

Enquiry Officer is perfectly right in coming to the conclusion that the second charge against the worker is also proved. It follows and I hold that the findings of the Enquiry Officer are based on legally acceptable evidence.

11. Point No. 3.—This leads me to the next question whether the punishment imposed is disproportionate to the gravity of the misconduct. It has been held in *D. Padmanabhu v. Bank of India* and another [1995 (1) L.J. 1076] that in the case of misappropriation of the amount of a customer of a bank by a Clerk the punishment of dismissal cannot be considered as unduly harsh. It is observed in that case that once an enquiry is properly held and the management has thought it fit to pass an order of dismissal considering the nature of the gravity of the act committed by the employee, it is not for the court including Labour Court to interfere with such orders of management. In the present case, it is proved that the worker has misappropriated a sum of Rs. 3050 and altered the entries in Bank records to cover up the fraud and forgery. Therefore, in the light of the principles laid down in the above decision. I hold that the punishment of dismissal imposed on the workman is not unduly harsh or disproportionate to the gravity of the misconduct alleged against the workman. Therefore I find no reason to interfere with the order of punishment of dismissal imposed on the workman by the management.

12. Point Nos. 4 and 5.—In the light of my above finding I hold that the dismissal of the workman by the management is justified. It follows that the workman is not entitled to any of the reliefs claimed.

13. In the result, the reference is answered holding that the dismissal of the workman from the management establishment is justified and that he is not entitled to any of the reliefs claimed. An award is passed rejecting the claim of the workman.

Dictated to the Confidential Assistant, transcribed by him, revised, corrected and passed by me on the 31st day of August, 1996.

P. Q. BARKATH ALI, Presiding Officer  
Labour Court, Kozhikode

#### APPENDIX

Witnesses examined on the side of the Management:—

MW1 M.S. Dwarkanath.

Witnesses examined on the side of the Workman:—

WW1 Chandrakanth.

Documents marked on the side of the Management :—

Ext. M1 Enquiry File.

Documents marked on the side of the Workman :—

Ext. W1 Copy of letter dated 26-8-1991 sent to the Enquiry Officer by the worker.

Ext. W2 Postal Acknowledgement.

Ext. W3 Copy of Regd. letter dated 7th September 1991 sent to the worker by the Management.

Ext. W4 Copy of Regd. letter dated 22nd October 1992 sent to the worker by the Management.

नई दिल्ली, 19 नवम्बर, 1996

कां.अ. 3400.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लोदना कोलियरी (मैसर्स बी. सी. एल.) के प्रबन्धन के सम्बद्ध निधोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, 1 धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-11-96 को प्राप्त हुआ था।

[सं. एल.—20012/82/91—आई. आर. (सी.—I)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 19th November, 1996

S.O. 3400.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Lodna Colliery of M/s. BCCL and their workman which was received by the Central Government on 11-11-96.

[No. 20012/82/91 IR(C-I)]

BRAJ MOHAN, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d)(2A) of the Industrial Disputes Act, 1947.

Reference No. 147 of 1991

#### PARTIES:

Employers in relation to the management of Lodna Colliery of M/s. Bharat Coking Coal Ltd.

AND

Their Workmen

#### PRESENT:

Shri Tarkeshwar Prasad, Presiding Officer

#### APPEARANCES:

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—Shri B. N. Singh, Addl. General Secretary, National Coal Workers' Congress.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 4th November, 1996

#### AWARD

By Order No. L-20012(82)/91-I.R. (Coal-I) dated 9-12-91 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Lodna Colliery of M/s. Bharat Coking Coal Ltd. in denying employment to the dependent son of Shri Anil Kumar Chatterjee, Clerk, who retired on 24-3-86, in terms of Circular No. BCCL/PA-II/5/2/128/77/31457-618, dated 22-6-197 and para 9.4.4 of NCWA-III is justified ? If not, to what relief is the workman entitled ?”

2. The sponsoring union and the concerned workman appeared and filed written statement stating therein that an office order was issued by the management that one dependent of an employee who retires after putting 35 years of service or more employment would be given to his dependent son and to broaden the scope of the circular NCWA-II provided clause where it recommended to give preference to dependent of retired employee in the matter of employment by the management and thereby NCWA-III also contained vide para 9.4.4 for giving such employment to the dependent retired employee. It is said that in view of this provision mentioned in NCWA-II and NCWA-III it became service condition of the employee to get employment of his dependent on retirement and the management had to act upon accordingly and on the basis of this provision some dependents of ex-employees of M/s. BCCL were given employment by the management. Similarly it is said that the concerned workman approached before the management to give employment to his dependent son and for that he had filed petition dated 6-2-86 prior to his retirement and which was highly recommended by the Superintendent and Manager of Lodna Colliery to give employment to his dependent son as he has put in more than 35 years of service.

3. It is further said that on the similar circumstances an award was passed by the Central Govt. Industrial Tribunal No. 2, Dhanbad in Reference No. 185 of 1986 relating to Katras Choitdih Colliery of M/s. BCCL and employment to dependent son of the employee Uttim Kumhar was given. It is further said that the case of the present workman is similar in nature and in view of the provision as given under NCWA-III and the award of the Central Govt. Industrial Tribunal No. 2, Dhanbad denial of employment to dependent son of the concerned workman in similar circumstance was discriminatory action of the management. Thereafter the dispute was raised before the A.L.C.(C) who impressed upon the management to consider the prayer of the concerned workman but it was denied and then he moved before the Ministry and this reference has come before this Tribunal for consideration. It is further said that the case of the concerned workman is quite similar to the provision given under NCWA-III and the award passed by Central Govt. Industrial Tribunal No. 2, Dhanbad and different order in similar nature of case by the management was unjustified and discriminatory in nature. Accordingly it is prayed that an award be passed in favour of the workman as per provision in para 9.4.4 of NCWA-III and Circular of the year 1977 of the management.

4. I further find that the management has appeared and filed written statement-cum-rejoinder stating, inter-alia, that the reference was not maintainable and demand for employment of retiring employee after putting 60 years of age was unconstitutional and in no case such benefit was given to any person by the management of Loda Area. It is also said that under pressure of union the Circular was issued in the year 1977 by some officer of M/s. BCCL which was against the Constitution as M/s. BCCL is covered under the word "State" and in view of several pronouncements of Hon'ble Supreme Court any such preference given to the dependent son of retiring employee after superannuation would be violative of the provision of Constitution and against the principles of equal opportunity to all citizen for employment under the "State". It is further admitted that some officers of different areas of M/s. BCCL gave employment to some dependents of retiring employee on the basis of the aforesaid circular of 1977 due to ignorance of law and fact. Similarly it is said that formulation of provision under NCWA-III Cl. 9.4.4 was incorporated under threat of some unions of Coal Industry but it has been held to be ultra-vires by the Hon'ble High Court in a writ filed by the management against the award passed by Central Govt. Industrial Tribunal No. 2 in Reference No. 185 of 1986.

5. It is also stated that the concerned workman had joined the service of the colliery in the year 1943 under the private management and at that time his date of birth was noted as 31-11-1923. But on completion of 58 years of service the concerned workman filed petition for examination by the Medical Board and as per the report of the Medical Board he was in employment upto 2-3-86 i.e. extra two years of completion of service on the basis of Medical Board report and even then after superannuation the claim of the concerned workman for employment of the dependent son was not at all justified and the same has been raised with some, mala fide motive for getting the employment by way of this litigation.

6. By way of rejoinder to the points raised by the concerned workman in his written statement the same has been denied specifically and parawise and it is said that under NCWAs or JBCCI it is incorrect to say that there is any provision for employment to dependent son of an employee who retired after putting 35 years of service is incorporated and the circular issued by some officer of the management was not only illegal but also invalid and was not accepted by different areas of the management. Other contention of paras 4, 5 and 6 are said to be incorrect and denied. Similarly statements of paras 7 to 11 and 12 are also said to be incorrect and not fully correct and have been specifically denied. It is also said that the aforesaid circular of the year 1977 was withdrawn after 1-1-1979 and it is finally said that the demand of the workman was unjustified and he was not entitled for any relief or reliefs as claimed.

7. I further find that a rejoinder has again been filed by the workman to the written statement of the management whereby contention of the management have not been denied specifically and parawise and it is said that the contentions of the management taken in the written statement was not tenable at all and contradictory statements have been taken by the management at different stages and it is finally said that the demand of the workman was quite justified and the award be passed accordingly.

8. On the basis of the pleadings of the parties the points to be considered in this case are—

- (a) Whether the action of the management in denying employment to the dependent son of the concerned workman, Anil Kumar Chatterjee, Clerk as per Circular No. BCCL/PA-II/5/2/128/77/31457—618 dated 22-6-1977 and para 9.4.4 of NCWA-III was justified?
- (b) If not, to what relief or reliefs the workman is entitled?

Both the points are taken together for consideration.

9. In support of its case the management has examined only one witness, MW-1 Shyamal Kumar Roy who was working in Lodua Colliery since 1970 and since then he is working in Personnel Department. He further said that provision under NCWA for providing employment came into effect from 1977 and prior to that no dependent was provided employment after putting 35 years service. He has proved circular of the management dated 22-6-77 which has been marked Ext. W-2, but said that this was revised after one year. He has further stated that after 1979 also service of the dependents have been given by the management as per provision under NCWA.

10. Similarly two witnesses have been examined by the workman, namely, WW-1 Krinal Kanti Sengupta who joined Headquarters of B.C.C.L. on transfer in the year 1977 as Senior Personnel Officer and at that time Ext. W-2 was in force but could not say till when it was in force and he superannuated in the year 1987. He did not deal with any case under Ext. W-2 as it related to some other department. Similarly, WW-2 Amarendra Choudhary is the Secretary of the Central Committee of the sponsoring union and has supported the provision of Ext. W-2 by which the dependent of the workman was to be given employment who completed 35 years or more of service. He has proved photo copy of letter marked Ext. W-8, photo copy of settlement dated 20-5-92 arrived at between the management and the Trade Union, R.C.M.S., marked Ext. W-9, another Office Order proved and marked Ext. W-10, two appointment letters issued by the management to Dulal Chandra Chakravorty and Naresh Kumar Rajak, marked Ext. W-11 and W-11/1, the letter under signature of Sr. Personnel Officer is marked Ext. W-1/1, superannuation letter issued to the concerned workman dated 2-10-83 is marked Ext. W-8/2 and the letter from the Ministry of Labour is marked Ext. W-8. However, he admitted that he was the secretary of the Central Committee since 1986 but he did not put any instance in which any dependent of a workman retiring after 35 years or more was given employment and their union had not raised the dispute relating to appointment under Ext. W-11 series. He did not know that the circular of 1977 was withdrawn in the year 1979 and also did not know that the Hon'ble Patna High Court has held the circular of 1977 ultra vires. However he admitted that there was no provision in NCWAs for giving employment to the dependent son as provided under circular of 1977. He has admitted that in certain cases service was provided to the dependent on humanitarian ground. There is no other evidence on behalf of either side and the concerned workman

has not come before the Court to give his statement on oath. The management has filed Ext. M-1 which is a letter issued to the concerned workman relating to notice of superannuation or notice of retirement. No other paper has been filed by the management.

11. The workman has filed Ext. W-1 which is photo copy of the award passed in Ref. No. 185 of 1986 by Smt J. N. Sinha, the then Presiding Officer of Central Government Industrial Tribunal No. 2, Dhanbad in which employment to the dependent son of the workman, Uttim Kumar who had retired on 1-1-79 after completing more than 35 years of service was allowed. Ext. W-2 is said circular of the year 1977 relating to B.C.C.L. employees dependents employment scheme under which the concerned workman has claimed service of his dependent after putting 35 years of service as per clause 1 of this circular. Exts. W-3 and W-3/1 are minutes of meeting of Central Consultative Committee held on 21-9-79 and 16-2-78. Ext. W-4 series are minutes of meetings held on different dates in the years 1978, 1979 and 1988. Ext. W-5 is a letter given by Office Superintendent, Loyabad Colliery to Kshitish Chandra Chakravorty. Ext. W-6 is copy of petition filed by the concerned workman relating to employment of his dependent son dated 6-2-86. Ext. W-7 is copy of minutes of Central Consultative Committee Meeting dated 20-2-78 and Ext. W-8 series are different letters relating to employment of some persons. Ext. W-9 is copy of memorandum of settlement between the management and the union dated 20-5-92 and Ext. W-10 is Office Order dated 22-6-93. Exts. W-11 and W-11/1 are copy of appointment letters giving employment to Dulal Chandra Chakravorty and Naresh Kumar Rajak as dependent son on compassionate ground.

12. On the basis of above documents the concerned workman and the sponsoring union have claimed that in view of provision under NCWA-III para 9.4.4 and circular (Ext. W-2) of the year 1977 several dependent son and sons of the employees have been given employment who have retired after putting 35 years or more of service with the management and the case of the concerned workman is similar on nature as he retired on 23-3-86 after putting more than 35 years of service but the action of the management in denying employment in view of the circular of the year 1977 (Ext. W-2) and the provision of NCWA-III was highly unjustified. It is also submitted that the plea has been taken by the management that aforesaid circular of the year 1977 was withdrawn in the year 1979 but nothing has been brought on the record to show that actually that circular has been withdrawn. It is also submitted that in Reference No. 185 of 1986 an award was passed by the learned Presiding Officer, Central Government Industrial Tribunal No. 2

at Dhanbad for giving employment to dependent son of Uttim Kumar and employment was given to him by the management and the case of this concerned workman is quite similar in nature but when he raised the dispute before the A.L.C. (C) on the same ground it was rejected by the management as being untenable and ultra-vires. But if on the basis of the same circular and provision of NCWAs employment has been given to dependent son of other employee then denial of the same to the concerned workman by the management was not only unjustified but discriminatory in nature and such discrimination cannot be done in similar circumstance. It is further submitted that the claim of the concerned workman is not based only on para 9.4.4 of NCWA-III which has been declared ultra-vires to unconstitutional of India for the reason that extension of opportunity of employment will clear dynasty rule but his case is based on the circular of the year 1977, in which humanitarian approach has been taken vide Ext. W-2 that the workman putting 35 years or more of service would get employment of dependent son on his superannuation and this is humanitarian ground and there is no reason causing any dynasty rule in the matter of employment and accordingly the award was passed by the learned Central Government Industrial Tribunal No. 2, Dhanbad, in Reference No. 185 of 1986 in case of another workman, Uttim Kumar and the management has given employment to his son. As such it is said that the claim of the concerned workman about employment of his dependent son on his retirement as quite genuine and justified and it cannot be said to be against the provision of Constitution of India.

13. However, it has been submitted on behalf of the management that the aforesaid circular (Ext. W-2) was issued under pressure of the union which was against the constitution and same has been withdrawn in the year 1979. It is also submitted that WW-2 has admitted in the last line of his cross-examination that there is no provision in NCWAs for giving employment as provided under Circular of the year 1977 (Ext. W-2). It is also pointed out that a writ was filed before the Hon'ble High Court against the award passed in reference No. 185 of 1986 and the Hon'ble Court had declared the provision under NCWA-II and III to be unconstitutional and the case of the concerned workman is based purely on the circular of the year 1977 (Ext. W-2) which has already been withdrawn in the year 1979 and it has been held by the Hon'ble Supreme Court as reported in 1987 AIR 1015 (SC) in Yogender Pal Singh and others Vs. Union of India and others and it has been held by their Lordships—"Any preference shown in the matter of public employment on the grounds of descent only has to be declared as unconstitutional."

14. It is also pointed out that the management of M/s. BCCL being a vast organisation and if any

legal work has been done by some officers knowingly or unknowingly then the management cannot be permitted to commit the same mistake knowingly well the provision of lawing contrary as pronouncement made by Hon'ble Apex Court as noted above. It is further submitted that on compassionate ground some employment is given to the dependent of the workmen purely on humanitarian ground but not as a right claim by a workman that his or her daughter/son be given employment after superannuation of the workman putting 35 years or more of service with the management. It is pointed out that the present claim of the concerned workman was purely based on the circular dated 22-6-77 (Ext. W-2) and the same being declared unconstitutional by the Hon'ble High Court, Patna, the concerned workman was not entitled for any relief as claimed and the action of the management in denying the claim of the workman was quite justified.

15. After going through the case and the points of argument as advanced on behalf of the parties and considering both oral and documentary evidence I find much force in the pleading taken by the management that the claim of the concerned workman being depending simply on the circular of the year 1977 (Ext. W-2) which has already been declared unconstitutional the writ filed by the management against the award passed in Reference No. 185 of 1986 by the learned Central Government Industrial Tribunal No. 2, Dhanbad the claim of the concerned workman for employment of his dependent son on his superannuation cannot be said to be justified in any case. The same has been held by the Hon'ble Supreme Court in a case as reported in 1987 AIR 1015 as order of CWJC No. 2211 of 88(R) where it was held—

"Concerned workman did not have any legal right to get his word appointed on attaining the age of his superannuation and the reference made by the Central Government must also be held to be bad in law."

16. In view of above observation made by the Hon'ble High Court and Hon'ble Supreme Court, the claim of the concerned workman is not justified and he is not entitled for any relief as claimed and the action of the management in denying employment to his dependent son of his superannuation on 24-3-1986 was quite justified.

17. Accordingly, the following award is passed—

That the action of the management of Lodna Colliery of M's. B.C.C. Ltd. in denying employment to the dependent son of Shri Anil Kumar Chatterjee, Clerk, who retired on 24-3-1986, in terms of Circular dated 22-6-1977 and para 9.4.4 of NCWA-II is justified and the concerned workman is not entitled for any relief.

However, there will be no order so as to cost.

TARKESHWAR PRASAD, Presiding Officer

नई दिल्ली, 14 नवम्बर, 1996

कां०आ० 3401.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दक्षिण रेलवे के प्रबन्धनत्व के सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अग्रबन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-11-96 को प्राप्त हुआ था।

[सं. एल०-41012/292/94-आई० आर० (बी० I)]  
पी० जे० माइकल, डेस्क अधिकारी

New Delhi, the 14th November, 1996

S.O. 3401.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Southern Railway, and their workman, which was received by the Central Government on 13-11-96.

[No. L-41012/292/94-IR (B-I)]  
P. J. MICHAEL, Desk Officer

#### ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,  
TAMIL NADU, MADRAS

Friday, the 18th day of September, 1996

#### PRESENT :

Thiru S. Thangaraj, B.Sc., LL.B. Industrial Tribunal.

Industrial Dispute No. 12 of 1996

[In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between Southern Railway, Madras]

#### BETWEEN

The workmen represented by  
The Branch Secretary,

Dakshin Railway Employees Union  
(CITU),

282, WGC Road, Tuticorin-628001.

Vs.

The D.R.M.,

Southern Railway, Mechanical Branch,  
Divisional Office, Madurai-625002.

#### REFERENCE :

Order No. L-41012/292/94-IR (B-I) dated 15-1-96, Ministry of Labour, Government of India, New Delhi.

This dispute coming up this day for final disposal, upon perusing the reference, claim statement

and other material records on record and upon hearing of Tvl. K. Chandru, D. Bharathy and M. Muthu pandian Advocates appearing for the workman and the management being absent and set exparte, this Tribunal passed the following :

#### AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the management of Southern Railway in imposing a punishment of withholding the annual increment for a period of 35 months in respect of Shri S. Tensingh is justified ? If not to what relief he is entitled ?"

WW-1 examined. Ex. W-1 to W-4 marked. From the evidence of WW-1 and from Exs. W-1 to W-4 claim of the petitioner is proved. Award passed as prayed for in the claim statement. No costs.

Dated, this the 18th day of September, 1996.

THIRU S. THANGARAJ, Industrial Tribunal

#### WITNESSES EXAMINED

For workman :

WW-1—Thiru S. Tensingh.

For Management :

NIL

#### DOCUMENTS MARKED

For workman :

Ex. W-1/7-3-94—Memo issued by the respondent to the petitioner workman (Xerox copy).

Ex. W-2/26-3-94—Reply by the petitioner to the memo issued by the respondent (Xerox copy).

Ex. W-3/23-5-84—Punishment order issued to the workman imposing stoppage of increment (Xerox copy).

Ex. W-4/14-6-94—Appeal filed by the petitioner (Xerox copy).

नई दिल्ली, 2 दिसम्बर, 1996

कां०आ० 3402.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबन्धनत्व के सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अग्रबन्ध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12 नवम्बर, 1996 को प्राप्त हुआ था।

[सं. एल०-12012/20/92-आई०आर० (बी० 2)]  
मनातन, डेस्क अधिकारी

New Delhi, the 2nd December, 1996

S.O. 3402.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of UCO Bank and their workmen, which was received by the Central Government on 12-11-1996.

[No. L-12012|20|92-IR(B-II)]  
SANATAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,  
TAMIL NADU, MADRAS

Thursday, the 26th day of September, 1996

PRESENT :

THIRU S. THANGARAJ, B.Sc., LL.B.,  
Industrial Tribunal

INDUSTRIAL DISPUTE NO. 58 OF 1992

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of the UCO Bank, Madras-I)

BETWEEN :

The workmen represented by  
The General Secretary,

All India UCO Bank Staff Federation,  
16-A, Brabourne Road, 3rd Floor,  
Calcutta-700 001.

AND

The Assistant General Manager,  
UCO Bank, Thambuchetty Street,  
Madras-600 001.

REFERENCE :

Order No. 12012|29|92-IR(B.II), dated  
26-6-92, Ministry of Labour, Government of India, New Delhi.

This dispute coming on this day for final disposal in the presence of Thiru R. Anumugam for Tyl. Aiyar and Dolia, Advocates appearing for the management upon perusing the reference, claim and counter statements and other connected papers on record and the workmen being absent, this Tribunal passed the following

AWARD

This reference has been made for adjudication of the following issue :—

“Whether the claim of the All India UCO Bank Staff Federation that Sh. J. D. Prasad had worked for 868 days between 1982 to 1989 with the UCO Bank, Madras and is, therefore, eligible for permanent absorption in the Bank is correct? If so, what relief the workman is entitled to and from what date?”

Petitioner called at 10.45 a.m. and 3.00 p.m.  
Petitioner absent.

No representation. Petitioner has been absent since 11-6-96 (viz.) for the last 4 adjournments.

Hence I.D. is dismissed for default.

Dated, this the 26th day of September, 1996.

THIRU S. THANGARAJ, Industrial Tribunal